

JON M. ICHINAGA (#137290)
 Chief Counsel
 R. SYBIL VILLANUEVA (#205399)
 Associate Chief Counsel
 Sybil.Villanueva@dfeh.ca.gov
 PHOEBE P. LIU (#210829)
 Senior Staff Counsel
 Phoebe.liu@dfeh.ca.gov
 MARI MAYEDA (#110947)
 Senior Staff Counsel
 Mari.mayeda@dfeh.ca.gov
 DEPARTMENT OF FAIR EMPLOYMENT
 AND HOUSING
 2218 Kausen Drive, Suite 100
 Elk Grove, CA 95758
 Telephone: (213) 439-6799
 Fax: (888) 382-5293

Attorneys for the DFEH
 [Filing fee exempt, Gov. Code, § 6103]

**IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA**

THE DEPARTMENT OF FAIR EMPLOYMENT)	Case No. CV 12-1830-EMC
AND HOUSING, an agency of the State of)	
California,)	
	FIRST AMENDED GROUP AND CLASS
Plaintiff,)	ACTION COMPLAINT FOR DAMAGES
	AND INJUNCTIVE RELIEF
vs.)	
LAW SCHOOL ADMISSION COUNCIL, INC.,)	[FEHA, Gov. Code, § 12900 et seq. and
a Delaware tax exempt corporation,)	Unruh Civil Rights Act, Civ. Code, § 51 et
	seq.]
Defendant.)	



JOHN DOE, JANE DOE, PETER ROE,
 RAYMOND BANKS, KEVIN COLLINS,
 RODNEY DECOMO-SCHMITT, ANDREW
 GROSSMAN, ELIZABETH HENNESSEY-
 SEVERSON, OTILIA IOAN, ALEX JOHNSON,
 NICHOLAS JONES, CAROLINE LEE,
 ANDREW QUAN, STEPHEN SEMOS,
 GAZELLE TALESHPOUR, KEVIN
 VIELBAUM, AUSTIN WHITNEY, and all other
 similarly situated individuals,

Jury Trial Demanded

Real Parties in Interest



1 Plaintiff DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING (Department or
 2 DFEH) alleges the following against defendant LAW SCHOOL ADMISSION COUNCIL, INC.
 3 (LSAC), a Delaware tax exempt Corporation:

4 PARTIES

5 1. DFEH is the state agency charged with enforcing the right of all Californians under
 6 the Unruh Civil Rights Act (Unruh Act) (Civ. Code, § 51 et seq.) "to the full and equal
 7 accommodations, advantages, facilities, privileges, or services in all business establishments of every
 8 kind whatsoever." (Civ. Code, § 51, subd. (a).) Government Code section 12948 makes a violation
 9 of the Unruh Act a violation of the Fair Housing and Employment Act (FEHA) (Gov. Code, § 12900
 10 et seq.). The FEHA empowers the DFEH to investigate and prosecute Unruh Act claims within the
 11 state, including those that adversely affect, in a similar manner, a group or class. (Gov. Code, §§
 12 12961, 12965.)

13 2. Each real party in interest, John Doe, Jane Doe, Peter Roe, Raymond Banks, Kevin
 14 Collins, Rodney Decomo-Schmitt, Andrew Grossman, Elizabeth Hennessey-Severson, Otilia Ioan,
 15 Alex Johnson, Nicholas Jones, Caroline Lee, Andrew Quan, Stephen Semos, Gazelle Taleshpour,
 16 Kevin Vielbaum, and Austin Whitney, applied to LSAC for reasonable accommodations on the Law
 17 School Admissions Test (LSAT) between January 19, 2009 and the present. Each real party was
 18 denied a reasonable accommodation, either in whole or in part, within this same time frame. At the
 19 time of applying for reasonable accommodations, each real party resided in California.

20 3. Real parties in interest John Doe, Jane Doe, and Peter Roe wish to participate in this
 21 litigation anonymously. Each real party seeks to retain their privacy interest in the details of their
 22 disability and need for accommodation. Each of these real parties has expressed a legitimate fear of
 23 negative professional ramifications should their true names be associated with this litigation. A
 24 motion requesting the court's permission to proceed under fictitious names for these two real parties
 25 is filed concurrently with this complaint.

26 //

27 //



4. At all times relevant to this complaint, LSAC was a business establishment as defined by Civil Code section 51, subdivision (b). LSAC offers and administers its LSAT at multiple locations in the State of California several times a year.

5. The DFEH is informed and believes and thereon alleges that, at all times mentioned herein, each and every defendant is and was, in doing the things complained of herein, the agent or employee of their co-defendants herein and was acting within the scope of said agency, service, employment, or representation, and that each and every defendant herein is jointly and severally responsible and liable to the real party for the damages hereinafter alleged.

GROUP ACTION ALLEGATIONS

6. The DFEH brings this case on behalf of a group of 17 named individuals.

CLASS ACTION ALLEGATIONS

7. **Class Definition:** The DFEH also brings this case as a class action, on behalf of: *all disabled individuals in the State of California who requested a reasonable accommodation for the Law School Admission Test (LSAT) from January 19, 2009 to the present.* The DFEH alleges that everyone within this class was subjected to LSAC's unlawful policies of discouraging requests for accommodation, requiring excessive documentation, and requesting unlawful information about mitigation measures. Within this class is a subclass of people who took the LSAT with the condition of extended time and were thereafter subjected to discriminatory treatment and retaliation because of this accommodation. These two classes are defined as follows:

a. Unlawful Discouragement and Consideration of Mitigation Measures: All disabled individuals in the State of California who requested a reasonable accommodation for the LSAT from January 19, 2009 to the present.

b. Differential Treatment and Retaliation Against Examinees Granted Extended Time: All disabled individuals in the State of California who took the LSAT with the accommodation of extra time from January 19, 2009 to the present.

8. **Class Representative:** The Director of the DFEH, with the assistance of the 17 named real parties in interest, will fairly and adequately represent the class. Government Code section 12961



1 authorizes the Director to pursue this litigation as a class representative. Section 12961 authorizes the
 2 DFEH to seek class relief without being certified as the class representative. Nonetheless, this lawsuit
 3 meets the criteria for class certification.

4 9. **Manageability:** Class treatment of this dispute would save time and money by
 5 bringing all like claims before this court. For LSAC policies that affect a large group of applicants in
 6 a similar fashion, such as subjecting applicants to unlawful inquiries and flagging certain scores,
 7 treatment as a class is a superior method of adjudication, as compared to multiple individual suits
 8 where each plaintiff would allege an identical harm. Class treatment would neatly aggregate these
 9 claims, preventing duplicative litigation and potential inconsistencies in the ultimate findings.

10 10. **Numerosity:** The class is estimated to include hundreds of LSAT applicants. It would
 11 be impracticable to join each of these applicants who requested reasonable accommodation during the
 12 three-year time frame and to bring them individually before the court for adjudication. The members
 13 of this class are fully ascertainable and there exists a probability that the individual members will
 14 ultimately be available to come forward to prove their separate damage-related claims to a portion of
 15 the total class recovery, if any.

16 11. **Commonality:** There exists for the class a well-defined community of interest such
 17 that common questions of both law and fact predominate over individual interests or claims.

18 12. **Typicality:** The class claims raised by the real parties in interest are typical of those
 19 held by other members of the class. Each applicant for reasonable accommodation was subject to an
 20 unlawful inquiry about mitigation measures, and each test-taker, who was granted extra time, had his
 21 or her test score segregated and flagged.

22 13. **Adequacy of Representation:** With the assistance of the real parties in interest, the
 23 DFEH will fairly and adequately represent the interests of all members of the class in the adjudication
 24 of their similar legal claims.

25 **JURISDICTION AND VENUE**

26 14. The DFEH realleges and incorporates by reference each and every allegation
 27 contained in paragraphs 1 through 14, inclusive, as if fully set forth herein.

1 15. This action arises under the FEHA, specifically Government Code section 12948,
2 which incorporates the Unruh Act into the enforcement structure of the FEHA, giving the DFEH
3 jurisdiction over Unruh Act violations occurring within the state. By virtue of its incorporation into
4 the Unruh Act, a violation of the Americans with Disabilities Act of 1990 (ADA) (42 U.S.C. § 12101
5 et seq.) also constitutes a violation of the Unruh Act. (Civ. Code, § 51, subd. (f).)

6 16. At all times relevant to this complaint, LSAC was a business establishment as defined
7 by Civil Code section 51, subdivision (b). LSAC offers and administers its LSAT at multiple
8 locations in the State of California several times a year.

9 17. At all times relevant to this complaint, real parties in interest John Doe, Jane Doe,
10 Peter Roe, Raymond Banks, Kevin Collins, Rodney Decomo-Schmitt, Andrew Grossman, Elizabeth
11 Hennessey-Severson, Otilia Ioan, Alex Johnson, Nicholas Jones, Caroline Lee, Andrew Quan,
12 Stephen Semos, Gazelle Taleshpour, Kevin Vielbaum, Austin Whitney, and all other similarly
13 situated individuals, were "persons" within the meaning of Government Code section 12925,
14 subdivision (d), and Civil Code section 51, subdivision (b).

15 18. On May 9, 2010, Jane Doe filed a verified complaint of discrimination in writing with
16 the Department pursuant to Government Code section 12960, alleging that LSAC unlawfully denied
17 her full and equal access to the LSAT within the preceding one year, in violation of the FEHA and
18 Unruh Act. A redacted copy of this complaint is attached hereto as Exhibit 1.

19 19. On January 12, 2010, Nicholas Jones filed a verified complaint of discrimination in
20 writing with the Department pursuant to Government Code section 12960, alleging that LSAC
21 unlawfully denied him full and equal access to the LSAT within the preceding one year, in violation
22 of the FEHA and Unruh Act. A true and correct copy of this complaint is attached hereto as Exhibit
23 2.

24 20. After receiving the complaints of Jane Doe and Mr. Jones, and beginning an
25 investigation into their allegations, the Department came to believe that LSAC's policies and
26 practices toward disabled applicants requesting reasonable accommodation were affecting a larger
27 group or class of applicants in a similar manner.



21. On July 22, 2010, the Department issued a document entitled "Notice of Class Action Complaint and Director's Complaint" describing the affected group or class as "all disabled individuals in the State of California who have or will request a reasonable accommodation for the Law School Admission Test (LSAT), administered by the LSAC, and who have or will be unlawfully denied such request from January 19, 2009 to the conclusion of the Department's investigation of this complaint." A redacted copy of this complaint is attached hereto as Exhibit 3.

22. During its investigation of the class action and Director's complaint, the DFEH propounded administrative discovery to determine whether other people had been harmed by LSAC's discriminatory practices within the state. The DFEH's efforts to obtain this information from defendant included the filing of a superior court petition to compel LSAC to respond to its discovery requests. Although Government Code section 12960, subdivision (d), provides that the DFEH has one year from the date of the filing of its complaint until the filing of its accusation, this time is extended by the pendency of a court action to enforce administrative discovery. (Gov. Code, § 12963.5, subd. (f).) Therefore, this action is timely filed.

23. With the court's assistance, the DFEH was able to discover and notify other persons who were harmed by defendant's discriminatory practices. Some of these people elected to file individual complaints as follows.

24. On August 29, 2011, Alex Johnson filed a verified complaint of discrimination in writing with the Department pursuant to Government Code section 12960, alleging that LSAC unlawfully denied him full and equal access to the LSAT within the preceding one year, in violation of the FEHA and Unruh Act. A true and correct copy of this complaint is attached hereto as Exhibit 4.

25. On August 31, 2011, John Doe filed a verified complaint of discrimination in writing with the Department pursuant to Government Code section 12960, alleging that LSAC unlawfully denied him full and equal access to the LSAT within the preceding one year, in violation of the FEHA and Unruh Act. A redacted copy of this complaint is attached hereto as Exhibit 5.



1 26. On September 26, 2011, Elizabeth Hennessey-Severson filed a verified complaint of
2 discrimination in writing with the Department pursuant to Government Code section 12960, alleging
3 that LSAC unlawfully denied her full and equal access to the LSAT within the preceding one year, in
4 violation of the FEHA and Unruh Act. A true and correct copy of this complaint is attached hereto as
5 Exhibit 6.

6 27. On October 3, 2011, Caroline Lee filed a verified complaint of discrimination in
7 writing with the Department pursuant to Government Code section 12960, alleging that LSAC
8 unlawfully denied her full and equal access to the LSAT within the preceding one year, in violation
9 of the FEHA and Unruh Act. A true and correct copy of this complaint is attached hereto as Exhibit
10 7.

11 28. On October 6, 2011, Raymond Banks filed a verified complaint of discrimination in
12 writing with the Department pursuant to Government Code section 12960, alleging that LSAC
13 unlawfully denied him full and equal access to the LSAT within the preceding one year, in violation
14 of the FEHA and Unruh Act. A true and correct copy of this complaint is attached hereto as Exhibit
15 8.

16 29. On October 7, 2011, Gazelle Taleshpour filed a verified complaint of discrimination in
17 writing with the Department pursuant to Government Code section 12960, alleging that LSAC
18 unlawfully denied her full and equal access to the LSAT within the preceding one year, in violation
19 of the FEHA and Unruh Act. A true and correct copy of this complaint is attached hereto as Exhibit
20 9.

21 30. On October 11, 2011, Peter Roe filed a verified complaint of discrimination in writing
22 with the Department pursuant to section Government Code section 12960, alleging that LSAC
23 unlawfully denied him full and equal access to the LSAT within the preceding one year, in violation
24 of the FEHA and Unruh Act. A redacted copy of this complaint is attached hereto as Exhibit 10.

25 31. On October 11, 2011, Stephen Semos filed a verified complaint of discrimination in
26 writing with the Department pursuant to section Government Code section 12960, alleging that LSAC
27 unlawfully denied him full and equal access to the LSAT within the preceding one year, in violation



1 of the FEHA and Unruh Act. A true and correct copy of this complaint is attached hereto as Exhibit
2 11.

3 32. On October 14, 2011, Rodney DeComo-Schmitt filed a verified complaint of
4 discrimination in writing with the Department pursuant to Government Code section 12960, alleging
5 that LSAC unlawfully denied him full and equal access to the LSAT within the preceding one year,
6 in violation of the FEHA and Unruh Act. A true and correct copy of this complaint is attached hereto
7 as Exhibit 12.

8 33. On October 17, 2011, Andrew Grossman filed a verified complaint of discrimination
9 in writing with the Department pursuant to Government Code section 12960, alleging that LSAC
10 unlawfully denied him full and equal access to the LSAT within the preceding one year, in violation
11 of the FEHA and Unruh Act. A true and correct copy of this complaint is attached hereto as Exhibit
12 13.

13 34. On October 19, 2011, Kevin Collins filed a verified complaint of discrimination in
14 writing with the Department pursuant to Government Code section 12960, alleging that LSAC
15 unlawfully denied him full and equal access to the LSAT within the preceding one year, in violation
16 of the FEHA and Unruh Act. A true and correct copy of this complaint is attached hereto as Exhibit
17 14.

18 35. On October 24, 2011, Otilia Ioan filed a verified complaint of discrimination in
19 writing with the Department pursuant to Government Code section 12960, alleging that LSAC
20 unlawfully denied him full and equal access to the LSAT within the preceding one year, in violation
21 of the FEHA and Unruh Act. A true and correct copy of this complaint is attached hereto as Exhibit
22 15.

23 36. On October 28, 2011, Andrew Quan filed a verified complaint of discrimination in
24 writing with the Department pursuant to Government Code section 12960, alleging that LSAC
25 unlawfully denied him full and equal access to the LSAT within the preceding one year, in violation
26 of the FEHA and Unruh Act. A true and correct copy of this complaint is attached hereto as Exhibit
27 16.



1 37. On October 28, 2011, Austin Whitney filed a verified complaint of discrimination in
2 writing with the Department pursuant to Government Code section 12960, alleging that LSAC
3 unlawfully denied him full and equal access to the LSAT within the preceding one year, in violation
4 of the FEHA and Unruh Act. A true and correct copy of this complaint is attached hereto as Exhibit
5 17.

6 38. On November 7, 2011, Kevin Vielbaum filed a verified complaint of discrimination in
7 writing with the Department pursuant to Government Code section 12960, alleging that LSAC
8 unlawfully denied him full and equal access to the LSAT within the preceding one year, in violation
9 of the FEHA and Unruh Act. A true and correct copy of this complaint is attached hereto as Exhibit
10 18.

11 39. On February 6, 2012, the DFEH issued a Group and Class Accusation before the
12 California Fair Employment and Housing Commission (Commission), charging LSAC with
13 violations of the Unruh Act. The Group and Class Accusation was properly served on LSAC by
14 certified mail.

15 40. On February 17, 2012, the DFEH issued a First Amended Group and Class Accusation
16 before the Commission. This accusation was properly served on the LSAC by certified mail.

17 41. Pursuant to Government Code section 12965, subdivision (c)(1), LSAC elected to
18 have this dispute heard in civil court in lieu of a hearing before the Commission, and so notified the
19 Department in writing, on or about February 22, 2012. A true and correct copy of "Respondent's
20 Notice of Transfer of Proceedings to Court" is attached hereto as Exhibit 19.

21 42. The Department has withdrawn its accusation and has timely filed this complaint
22 pursuant to Government Code section 12965, subdivision (c)(2).

23 43. The harm that is the subject of this complaint occurred throughout the State of
24 California. Three of the real parties in interest lived in the County of Alameda at the time that they
25 were denied full and equal accommodations in the testing process.

26 44. The amount of damages sought by this complaint exceeds the minimum jurisdictional
27 limits of this court.



1 FACTUAL ALLEGATIONS

2 The Law School Admissions Test (LSAT)

3 45. The LSAT is a half-day, standardized test administered four times each year at
4 designated testing centers throughout the State of California. It purports to provide a standard
5 measure of acquired reading and verbal reasoning skills that law schools use to assess applicants.

6 46. The test consists of five 35-minute sections of multiple-choice questions. A 35-minute
7 writing sample is administered at the end of the test. Defendant does not score the writing sample, but
8 sends it on to the law schools with the scores.

9 47. The LSAT is designed to measure reading and comprehension skills, the ability to
10 organize and manage information, and analytical skills such as evaluation and criticism.

11 48. The three multiple-choice question types in the LSAT are labeled reading
12 comprehension, analytical reasoning, and logical reasoning. All candidates take one additional
13 multiple-choice section, which is experimental.

14 LSAC Business within the State

15 49. LSAC offers and administers its LSAT at multiple locations in the State of California
16 four times a year, typically at law schools and universities. Applicants pay a test registration fee of
17 \$139 after creating an online account and filling out the online application form. Additional fees
18 charged by LSAC include \$68 for late registration, \$35 to change the test date, and so on.

19 50. LSAC pays local proctors to administer the exam on site. LSAC also pays for
20 accommodations at the site, such as readers or scribes.

21 51. LSAC offers a Credential Assembly Service to law schools and law school applicants,
22 which streamlines the law school admission process by allowing transcripts, recommendations and
23 evaluations to be sent one time to LSAC. LSAC, in turn, summarizes and combines a law school
24 applicant's LSAT score, writing samples, transcripts, recommendations, and evaluations into a report
25 to an applicant's prospective law schools. The Credential Assembly Service also includes access
26 through an applicant's LSAC account to electronic applications for all ABA-approved law schools.



1 Applicants are charged \$124 to register for the Credential Assembly Service and \$16 for law school
2 reports.

3 52. LSAC provides a series of LSAT preparatory guides, manuals and compilations of
4 sample LSATs for purchase via its Web site, which materials range in price from \$8 to \$39.96. LSAC
5 also sells a guide to ABA-approved law schools for \$26 and a skill readiness inventory for \$29.95.

6 The LSAC Accommodation Request Process

7 53. LSAC requires candidates requesting a reasonable accommodation to utilize its
8 standard forms and procedures. Applicants making an accommodation request for a so-called
9 cognitive or psychological impairment are required to provide psychoeducational/
10 neuropsychological testing and a full diagnostic report, including comprehensive aptitude and
11 achievement testing.

12 54. LSAC requires each applicant to disclose whether he or she took prescribed
13 medication during the evaluation process and to provide an explanation for any failure or refusal to
14 take the medication.

15 55. LSAC has a policy whereby examinees who complete the LSAT under a disability-
16 related accommodation involving additional test time receive a notation on their score report
17 indicating that their exam scores were earned under non-standard time conditions. When reporting
18 these LSAT scores to the law schools, defendant advises the schools that these examinees' scores
19 "should be interpreted with great sensitivity and flexibility."

20 56. In addition, scores from tests taken under extended time conditions are not averaged
21 with other scores to produce a percentile ranking as are other test scores. Instead, extended time
22 scores are reported individually.

23 John Doe

24 57. John Doe, a resident of Rancho Santa Fe (San Diego County), requested that
25 defendant make accommodations for the December 2010 LSAT at Saddleback College.

26 58. Mr. Doe was diagnosed with attention deficit disorder (ADD) at age 13. In addition, in
27 2010 he became extremely ill with a bacterial infection and was hospitalized for approximately two



1 months, spending several weeks in the Intensive Care Unit in a medically-induced coma. During this
 2 illness he suffered a severe brain edema, which left him with residual neurological impairments.

3 59. Mr. Doe requested time and a half (150 percent) on the multiple choice and writing
 4 sections for the December 2010 LSAT.

5 60. In support of his request, Mr. Doe submitted medical documentation verifying his
 6 hospitalization, and a complete psychoeducational assessment, which reported multiple diagnoses:
 7 ADD, a learning disability (spelling), and a "[r]ecent bacterial infection with sustained induced coma
 8 and residual impairments."

9 61. LSAC refused to grant Mr. Doe's requested accommodation and instead asked for "a
 10 detailed explanation regarding the nature, severity, treatment, and extent of [his] disorder at the
 11 present time and it [sic] impact on your ability to take the LSAT."

12 62. Mr. Doe then submitted additional medical documentation indicating that he had
 13 "suffered a serious illness and developed marked weaknesses and encephalopathy. He continues to
 14 have fatigability and impaired concentration." His doctor recommended that Mr. Doe be granted
 15 increased time to complete the LSAT.

16 63. LSAC then demanded that Mr. Doe's psychologist provide "a current update of [his]
 17 cognitive status" before making a decision on his accommodation request.

18 64. Mr. Doe and his doctor disputed the need for an updated psychoeducational
 19 assessment just three months after the first report was completed. His doctor responded, "I would
 20 reiterate that Mr. Doe's intelligence is much as it was when he was originally seen (10/26/10) and
 21 with IQ scores as noted in that report, all within the average range with the exception of Processing
 22 Speed (4th percentile)."

23 65. LSAC granted Mr. Doe nine additional minutes for the multiple choice and writing
 24 sample sections (125 percent), with an additional 15 minutes of break time between sections three
 25 and four, for the February and June 2011 LSAT.

26 Jane Doe



66. Jane Doe, a resident of Oakland (Alameda County), requested that defendant provide her with reasonable accommodations on each of two administrations of the LSAT examination, one in February 2010 and a second in June 2010.

67. Ms. Doe has attention deficit disorder (ADD). Her condition makes it difficult to retain attention and focus, and significantly impairs her ability to conceptually organize and sequence abstract ideas.

68. Ms. Doe requested that LSAC accommodate her with time and a half (150 percent) on the multiple choice and writing sample sections of the LSAT.

69. In support of her request, Ms. Doe submitted medical documentation, verification that she had received the accommodation of time and a half (150 percent) as an undergraduate university student, and proof that she had received extended time (150 percent) on the Graduate Record Exam (GRE).

70. On January 15, 2010, LSAC denied Ms. Doe's accommodation requests, explaining that her documentation did not demonstrate that she had a disability, which affected her ability to take the LSAT.

71. Ms. Doe reapplied for accommodations on the June 2010 LSAT, requesting the same accommodation of time and a half (150 percent) on the multiple choice and writing sample sections.

72. LSAC also denied this request. When Ms. Doe asked for an explanation for the denial, defendant replied in writing that it was "not obligated to provide accommodations that are not warranted or supported by the documentation."

Peter Roe

73. Peter Roe, a resident of San Jose (Santa Clara County), requested that defendant make accommodations for the September 2009 LSAT at California State University, East Bay.

74. Mr. Roe has reading and math disorders, characterized by impaired auditory attention span and low visuomotor processing speed. These learning disorders substantially impact his ability to process written material, particularly under timed conditions.



1 responded in writing that "[t]he documentation provided did not support your request for the
2 additional accommodations you requested."

3 Kevin Collins

4 85. Kevin Collins, a resident of Woodland Hills (Los Angeles County), requested that
5 defendant make accommodations for the February 2011 LSAT at California State University,
6 Northridge.

7 86. Mr. Collins suffers from two learning disorders: disorder of written expression and a
8 reading disorder. He has perceptual-organizational impairments, making it significantly more
9 difficult for him to process simple or routine visual material without making errors, as compared to
10 his peers.

11 87. Collins requested the accommodations of double time on multiple choice and writing
12 sample sections of the LSAT, permission to use a computer and printer for the writing sample, and an
13 alternative, non-Scantron answer sheet.

14 88. In support of his request, Collins submitted proof that he had received time and a half
15 (150 percent) on the GRE and for exams at Claremont Graduate University. He also submitted a full
16 psychoeducational assessment report as requested by LSAC's guidelines.

17 89. Defendant's first response was to ask for additional information and inform Collins
18 that the deadline had passed for the February 2011 LSAT. Later, after Collins had submitted the
19 requested information and requested consideration for the June exam, defendant granted him the
20 accommodations of time and a half (150 percent) for the multiple choice and writing sample sections,
21 rather than the double time that he had requested. The rest of his requested accommodations was
22 granted.

23 90. Collins asked LSAC to reconsider its decision to deny him double time. LSAC stood
24 by its previous decision that time and a half was appropriate.

25 Rodney DeComo-Schmitt

26 91. Rodney DeComo-Schmitt, a resident of Marin County, requested that defendant make
27 accommodations for the October 2010 LSAT offered at Sonoma State University.



99. As a child, Andrew Grossman was in a car accident and suffered a traumatic brain injury, which significantly impacted his cognitive abilities, memory, and attention. At the time that he applied for the LSAT, Andrew Grossman had been diagnosed with a reading disorder and a learning disorder (weak short-term auditory memory).

1 100. Andrew Grossman requested that defendant accommodate him by granting double
2 time on the multiple choice and writing sample sections of the LSAT, and additional break and rest
3 time.

4 101. In support of his request, Andrew Grossman submitted a complete psychoeducational
5 assessment documenting his disability and need for accommodation, copies of an Individualized
6 Educational Plan (IEP) from his high school showing that he had received extended time on tests, and
7 proof that he had received accommodation for the SAT.

8 102. On October 18, 2012, LSAC notified Andrew Grossman that it would provide him
9 with time and a half (150 percent) for the multiple choice and writing sample sections of the LSAT,
10 instead of the double time that he had requested. LSAC did approve the extra rest and break time,
11 explaining that it had fully considered the materials that Andrew Grossman had submitted, but "it is
12 our judgment that the alternative accommodations you have been granted are appropriate and
13 reasonable for your documented disability."

14 103. With the assistance of his psychologist, Andrew Grossman asked LSAC to reconsider
15 its decision to deny him double time. LSAC replied that it was too late to reconsider any decision
16 related to the December 2010 test.

17 **Elizabeth Hennessey-Severson**

18 104. Elizabeth Hennessey-Severson, a resident of San Francisco (San Francisco County),
19 requested that defendant make accommodations for the June 2011 LSAT at University of California,
20 Hastings College of the Law.

21 105. Ms. Hennessey-Severson has reading, written expression and mathematics disorders,
22 and ADHD. These conditions impair her working memory and her ability to plan, organize, and
23 devote sustained attention to language-based tasks, particularly reading.

24 106. Ms. Hennessey-Severson requested that LSAC accommodate her on the LSAT with a
25 minimum of time and a half (150 percent) extra testing time, and by allowing her short breaks of 10
26 to 15 minutes between sections of the exam.



1 107. In support of her request, Ms. Hennessey-Severson submitted psychoeducational
 2 assessment reports from 2002 and 2009. She also submitted proof that she had been accommodated
 3 with time and a half (150 percent) on the SAT, and while she was a student at Dartmouth College.

4 108. Defendant denied all of Ms. Hennessey-Severson's requests for accommodation,
 5 contending that she scored in the "very superior" and "high average" range in her psychoeducational
 6 testing, and that her 2002 evaluation noted that she demonstrated a remarkable ability to compensate
 7 for her learning disabilities, such that she was able to take honors courses and play high school sports.

8 109. Ms. Hennessey-Severson and her psychologist requested that LSAC reconsider its
 9 decision to deny accommodation. Her psychologist wrote: "It is my professional opinion based on all
 10 available evidence including comprehensive history, diagnostic interview, well established history of
 11 early diagnosis, remediation, and later accommodations throughout high school and college, that Ms.
 12 Hennessey has a standard learning disability that has a substantial impact on a major life function,
 13 namely, her ability to read, write, and calculate efficiently, and that extended time for formal testing
 14 is a reasonable accommodation for her disability."

15 110. After reconsideration, LSAC stood by its prior decision to deny Ms. Hennessey-
 16 Severson any accommodation.

17 Otilia Ioan

18 111. Otilia Ioan, a resident of San Jose (Santa Clara County), requested accommodation for
 19 the December 2010 LSAT offered at Santa Clara University.

20 112. Ms. Ioan is quadriplegic. She is paralyzed in all four limbs and is unable to physically
 21 write without using a brace.

22 113. Ms. Ioan requested that LSAC provide her with double time on all sections of the test,
 23 an alternate answer sheet, the use of a scribe, and an additional break of 30 minutes between sections
 24 3 and 4 of the test.

25 114. In support of her request, Ms. Ioan submitted verification that she had received the
 26 accommodation of double time on tests while a student at De Anza College, and double time when
 27 taking the GRE.



1 115. LSAC asked Ms. Ioan to submit additional information from her doctor before it could
 2 consider her request for accommodation. LSAC wrote: "Your evaluator needs to provide detailed
 3 information regarding the nature, extent, severity, and treatment of your disorder and its functional
 4 limitation on your ability to take the LSAT," defendant wrote.

5 116. Ms. Ioan's doctor supplied the additional information that LSAC requested.

6 117. Ms. Ioan wrote to LSAC requesting reconsideration of its decision to deny her double
 7 testing time. LSAC stood by its previous decision.

8 Alex Johnson

9 118. Alex Johnson, a resident of Lake San Marcos (San Diego County), requested
 10 accommodations for the October 2010 LSAT offered at the University of Southern California.

11 119. Mr. Johnson is quadriplegic. He is unable to write or turn pages because his fingers are
 12 paralyzed. He is unable to draw diagrams, underline text, or use a standard Scantron answer sheet.

13 120. Mr. Johnson requested 15 minutes of extra break time between each section of the
 14 LSAT, and 120 additional minutes (more than triple time) on the multiple choice and writing sample
 15 sections.

16 121. In support of his request, Mr. Johnson submitted medical documentation of his
 17 condition and need for accommodation, as well as verification from the University of Southern
 18 California that he had received double time on his exams while a student there.

19 122. At first, LSAC refused to consider Mr. Johnson's accommodation request, because he
 20 was not registered to take the LSAT. Later, it granted Mr. Johnson time and a half (150 percent) on
 21 the multiple choice and writing sample sections, and 10 minutes of break time between each section.
 22 It agreed to provide Mr. Johnson with a scribe, and permitted him to use a computer for the writing
 23 sample.

24 123. Mr. Johnson requested that LSAC reconsider his request for double time. His doctor
 25 wrote, "Double time is the least amount of time I should be allocated. It is also very hard to use a
 26 scribe because of time limitations."
 27



Nicholas Jones

-21-

Caroline Lee

132. Caroline Lee, a resident of Oakland (Alameda County), requested that defendant make accommodations for the December 2010 LSAT offered in the City of Oakland.

133. Ms. Lee suffers from ADHD and a reading disorder, causing her reading to be labored and excessively slow, and impairing her short-term memory.

134. Ms. Lee requested time and a half (150 percent) on the LSAT multiple choice and writing sample, as well as extended breaks during the exam, a quiet testing environment, and the use of a laptop to compose all written work.

135. In support of her request, Ms. Lee submitted proof that she had received extended testing time of 150 percent while a student at City College of San Francisco (CCSF) and that she had taken the SAT and ACT with accommodations. She also submitted a psychoeducational assessment that had been performed while she was a student at CCSF.

136. LSAC replied in writing to Ms. Lee that she needed to submit additional documentation in order for her request to be considered, asking for: "[t]esting results and a full diagnostic report from a comprehensive up-to-date psychoeducational/neuropsychological assessment that comply with the Law School Admissions Council, Inc. Guidelines for Documentation of Cognitive Impairments."

137. Ms. Lee then obtained and submitted a full psychoeducational evaluation in February 2011, which documented her ADHD and reading disorder. Her psychologist recommended that she receive 150 percent extended time, as well as the other previously requested accommodations.

138. LSAC then requested that Ms. Lee submit several additional documents and reports. Ms. Lee did so.

139. In April 2011, defendant denied all of Ms. Lee's requested accommodations, informing her that: her performance on academic measures was commensurate with her ability, negating a finding of impairment; her documentation failed to support the diagnosis of an attention disorder; and her request for additional time on the writing sample was not considered because her psychologist had not administered the right tests.



1 140. Ms. Lee requested that LSAC reconsider its denial of accommodation. This request
 2 was accompanied by a letter from her psychologist, who contended that LSAC had misinterpreted the
 3 psychoeducational assessment.

4 141. After reconsideration, LSAC stood by its initial decision to deny accommodations.

5 Andrew Quan

6 142. Andrew Quan, a resident of Hayward (Alameda County), requested accommodation
 7 for the October 2011 LSAT offered at the University of California, Santa Cruz.

8 143. Mr. Quan has ADHD, a visual-motor integration deficit with slow processing speed,
 9 hypotonia, and dysgraphia.

10 144. Mr. Quan requested that LSAC provide him with the accommodations of double time
 11 on the multiple choice and writing sample portions of the exam, 10-minute breaks between each
 12 section of the test, and the use of a computer for the writing sample.

13 145. In support of his request, Mr. Quan submitted to LSAC proof that he had been
 14 accommodated with the use of a computer on his ACT exams. He also submitted a 2008
 15 psychoeducational assessment from high school, showing that Mr. Quan suffered from "significant
 16 deficits in visual-motor integration and fine motor skills." Included within that assessment was a
 17 2008 IEP documenting dysgraphia, attention deficit, visual processing, and sensory motor skills
 18 disorders which qualified him for special educational services, the use of a laptop computer, a scribe,
 19 and extra examination time.

20 146. LSAC requested that Mr. Quan provide further documentation to support his request,
 21 including "testing results and a full diagnostic report from a comprehensive up-to-date
 22 psychoeducational/neuropsychological assessment that comply with [LSAC Guidelines]."

23 147. Mr. Quan contested LSAC's need for additional documentation, asserting that it was
 24 unnecessary, unaffordable, and burdensome.

25 148. LSAC responded that if Mr. Quan wanted any accommodation in the future, he would
 26 need to submit "substantive documentation to support your request for your hypotonia/dysgraphia
 27 disorders."



Stephen Semos

149. Stephen Semos, a resident of Rancho Palos Verdes (Los Angeles County), requested that defendant make accommodations for the December 2010 LSAT at Whittier Law School (Costa Mesa).

150. Mr. Semos has ADHD and dysgraphia, which significantly impair his reading, writing, organization, and general academic performance.

151. Mr. Semos requested time and a half (150 percent) on both the multiple-choice and writing sample portions of the exam, additional break time of five to eight minutes.

152. In support of his request, Mr. Semos submitted proof that he had received: accommodations on the SAT; an IEP from the Palos Verdes Peninsula Unified School District identifying Mr. Semos as learning disabled; a letter verifying that he had received accommodations while a student at the University of California, Irvine, of time and a half (150 percent) on tests; and a complete psychoeducational assessment by his doctor, a neuropsychologist.

153. LSAC's first response was to ask Mr. Semos to provide additional documentation in order to consider his accommodation request, including a full report of two particular tests for cognitive disabilities, the Nelson-Denny Reading Test (NDRT) and the Conner's Continuous Performance Test-II. LSAC also informed Mr. Semos that the deadline for the December 2010 LSAT had passed, but that he could request accommodation for future exams.

154. Mr. Semos then submitted his documentation for the February 2011 LSAT.

155. In response, LSAC denied all of Mr. Semos' requests for accommodation on the basis that his test scores were generally commensurate with his abilities and thus did not demonstrate a learning disability.

156. Mr. Semos' neuropsychologist requested that LSAC reconsider its denial. Mr. Semos' doctor wrote: "Your denial letter written to Mr. Semos selectively highlighted the above average scores and thereby masked the patterns of deficits in processing speed and fine motor speed noted in my neuropsychological report."



157. LSAC responded that the letter from Mr. Semos' neuropsychologist had arrived too late to be considered for the February 2011 LSAT. LSAC wrote: "You remain registered to test as a standard test taker. No accommodations have been granted."

Gazelle Taleshpour

158. Gazelle Taleshpour, a resident of San Diego (San Diego County), requested that defendant make accommodations for the October 2010 LSAT offered at the University of San Diego.

159. Ms. Taleshpour has ADHD. She also suffers from osteopenia (bone loss) and chronic pain in her neck and back as a result of treatment she had received for leukemia, a bone marrow transplant, radiation, and chemotherapy.

160. Ms. Taleshpour requested that LSAC accommodate her with 30 extra minutes on the multiple choice and writing sample portions of the exam, breaks of two to five minutes every half hour so that she could stretch and alleviate pain, a high table, and a comfortable chair.

161. In support of her request, Ms. Taleshpour submitted documentation from her treating medical doctor, her chiropractor, and her psychologist. She also provided LSAC with verification that she had received time and a half (150 percent) on all tests and exams while a student at the University of San Diego.

162. LSAC requested that Ms. Taleshpour provide additional documentation in support of her accommodation request, including "[t]esting results and a full diagnostic report from a psychoeducational/neuropsychological assessment that comply with Guidelines for Documentation of Cognitive Impairments."

163. Ms. Taleshpour obtained and submitted the additional documentation that LSAC requested. Her psychiatrist performed a full psychoeducational assessment, which diagnosed her with ADHD, a reading disorder, and a learning disability (dyslexia). Her psychiatrist supported Ms. Taleshpour's request for double time and other accommodations.

164. LSAC only partially granted Ms. Taleshpour's request for accommodation, allowing her to sit or stand at a podium while taking the exam, and to bring a seat cushion or an adjustable chair.



1 165. Ms. Taleshpour then resubmitted a request for accommodation for the December 2010
 2 LSAT: double time on multiple choice and writing sample; an alternate, non-Scantron answer sheet;
 3 use of a reader; an additional 15 minutes of rest time; and 15-minute breaks between sections.

4 166. LSAC denied the request for additional accommodations beyond the two it had
 5 already granted, explaining to Ms. Taleshpour that her intelligence test scores were average and
 6 commensurate with her ability, meaning that no cognitive disability was apparent.

7 167. Ms. Taleshpour requested that LSAC reconsider its denial of accommodation for extra
 8 time. Her psychologist supported the reconsideration request, contending that LSAC failed to
 9 recognize significant discrepancies in her reading speed and comprehension. "These significant
 10 difficulties provide psychometric evidence of the presence of a Learning Disability as described by
 11 the ADA," he wrote.

12 168. LSAC stood by its prior decision to limit the accommodations made for Ms.
 13 Taleshpour: permission to sit or stand with a podium and to bring a seat cushion or an adjustable
 14 chair.

15 Kevin Vielbaum

16 169. Kevin Vielbaum, a resident of San Mateo (San Mateo County), requested that
 17 defendant make accommodations for him in taking the June 2011 LSAT at the University of
 18 California, Hastings College of the Law.

19 170. Mr. Vielbaum has a reading disorder (dyslexia), characterized by a significant
 20 difficulties with perceptual reasoning, working memory, and cognitive processing speed.

21 171. Mr. Vielbaum requested that defendant accommodate him with time and a half (150
 22 percent) on the multiple choice section of the LSAT, double time on the writing sample, and
 23 permission to use a computer for the writing sample.

24 172. In support of his request, Mr. Vielbaum submitted extensive records from his primary
 25 education at a special school for students with dyslexia, where he was granted accommodations of
 26 extended time and the use of a laptop and calculator.



173. LSAC granted Mr. Vielbaum only the accommodation of using a computer, printer and spell check for the writing sample. LSAC denied the accommodation of extra time, noting that Mr. Vielbaum had not requested accommodation on the SAT, and that he had scored well on the tests involved in his psychoeducational assessment. Defendant went on to explain that: "[y]our evaluator notes you have difficulties with logical reasoning. Inasmuch as the Law School Admission Test is designed to measure these skills, the accommodations requested (extended time on all examinations that involve the solving of logic problems), would not be appropriate."

Austin Whitney

174. Austin Whitney, a resident of Contra Costa County, first requested accommodations for the September 2009 LSAT offered at San Diego State University.

175. Mr. Whitney is paraplegic due to a spinal cord injury in 2007.

176. Mr. Whitney requested that defendant accommodate his disability with time and a half (150 percent) on the multiple choice and writing sample sections of the LSAT, and a wheelchair accessible testing location.

177. In support of his request, Mr. Whitney submitted medical records pertaining to his 2007 injury, verification from the University of California at Berkeley that he had received time and a half (150 percent) for all exams and quizzes during his undergraduate studies, and a form filled out by his doctor indicating that, because of his injury and surgeries, he suffered from "severe chronic pain and radiating radicular nerve pain" for which Whitney took prescription medication that caused drowsiness.

178. LSAC responded that Mr. Whitney's request for accommodation had been submitted too late for the September 2009 test, and therefore he was registered as a standard test taker.

179. Mr. Whitney next requested accommodations for the June 2010 LSAT offered in Berkeley at the California Ballroom. This time he requested that LSAC accommodate him with five-minute breaks between sections, in addition to providing time and a half (150 percent) on the multiple choice and writing sample sections and a wheelchair accessible testing site.



180. In support of this request, Mr. Whitney submitted medical forms from four different doctors, each of whom supported his need for extra testing time. Dr. Larry Snyder explained: "Patient has significant fatigue due to medications taken for previous spinal injury - this will affect his performance in TIMED conditions." Dr. Carol Jessop wrote that, due to Mr. Whitney's spinal cord injury with chronic, neuropathic pain, he needed extra time to compensate for the effects of the pain medication which cause fatigue. Dr. Jessop explained: "This is a significant problem for Austin Whitney as he is taking medications . . . that cause him to be sleepy and fatigued. This drowsiness makes him slower in his response to test questions. If an exam has a time limit, he will definitely need extra time to complete it."

181. LSAC then granted Mr. Whitney the extra break time that he requested, and agreed to provide a wheelchair accessible testing site, but denied his request for extra testing time. "If you choose to have your cognitive disorder (alluded to by Carol Jessop, MD) considered," defendant wrote, "you must provide a current psychoeducational/neuropsychological assessment or neuropsychological evaluation as per our Guidelines for Documentation of Cognitive Impairments."

182. Mr. Whitney asked defendant to reconsider its decision to deny additional testing time, and three of his doctors wrote to LSAC in support of his request.

a. Dr. Snyder wrote, "His pain and spacticity are a constant distraction and put him at a significant disadvantage as a test taker. In addition, the medication he is taking causes significant fatigue and makes it difficult to concentrate. The medication side effects do not impair cognition but can slow processing speed. For these reasons, he should be afforded extra time when taking this standardized test."

b. Dr. Jessop wrote, "I would like to emphasize that the nature of Mr. Whitney's condition is physiological (pain issues) and NOT cognitive or due to a learning disorder. Our request for extra time on the exam is based solely on physiological effects of chronic, severe neuropathic pain, and the fatiguing side effects of pharmaceutical pain killers. Thus, because he doesn't have a learning disability, I feel strongly that neuropsychological or psychoeducational testing would be irrelevant in his case."



c. Dr. Hedelman wrote, "Patient's significant impacts on concentration, reading, writing, ability to attend class is secondary to his unpredictable, severe neuropathic pain and the associated pain management medications. Patient does not have an underlying cognitive impairment requiring neuropsych[ological] testing."

183. LSAC refused to reconsider its decision, responding: "We have no objective evidence to support Dr. Carol Jessop, MD's conclusion that your thought processes are not as fast as they could be without medication."

184. In 2011, at LSAC's behest, Mr. Whitney was evaluated by a psychologist, who determined that he required double time on examinations due to the effect that his pain medication was having on his cognitive abilities.

185. In response to a second accommodation request by Mr. Whitney with the psychologist's report as supporting documentation, LSAC awarded him 10 additional minutes on each section of the exam. LSAC provided no rationale for denying his request for double time.

FIRST CLASS CAUSE OF ACTION

Unlawful Consideration of Mitigation Measures

(42 U.S.C. § 12102(4)(E)(I)(i)(I))

186. The DFEH realleges and incorporates by reference each and every allegation contained in paragraphs 1 through 186, inclusive, as if fully set forth herein.

187. The ADA, 42 U.S.C. § 12102(4)(E)(I)(i)(I), requires that "any determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as medication." The ADA is incorporated into the Unruh Act by Civil Code section 51, subdivision (f).

188. By requiring applicants to take the medication prescribed for their disabilities while being evaluated for accommodations or explain their failure or refusal to do so, LSAC violates the rights of class members under the FEHA, Unruh Act, and ADA,



189. As a direct result of the unlawful practices of defendants as alleged herein, class members have incurred out of pocket losses, including test registration fees and medical bills, in an amount to be proven at trial.

190. As a further and direct result of the unlawful practices of defendants as alleged herein, class members have suffered emotional distress, anxiety, lost opportunity, frustration, humiliation, and loss of dignity and self-esteem, in an amount to be proven at trial.

191. Defendants have engaged in, and by their refusal to comply with the law, have demonstrated that they will continue to engage in, the pattern and practice of unlawful discrimination described herein unless and until they are enjoined, pursuant to the police power granted by Government Code sections 12920 and 12920.5, and pursuant to section 12974, from failing or refusing to comply with the mandates of the FEHA, Unruh Act, and the ADA. Unless and until defendants are enjoined from failing or refusing to comply with the mandates of these laws, class members' right to full and equal access to places of public accommodation will continue to be violated. Plaintiff lacks any plain, speedy, adequate remedy at law to prevent such harm, injury and loss, which will continue until the court enjoins the complained of unlawful conduct and grants other affirmative relief as prayed for herein.

SECOND CLASS CAUSE OF ACTION

Failure to Ensure that Exam Measures Ability Rather than Disability

(42 U.S.C. § 12189 and 28 C.F.R. § 36.309)

192. The DFEH realleges and incorporates by reference each and every allegation contained in paragraphs 1 through 186, inclusive, as if fully set forth herein.

193. The ADA requires that any person offering examinations related to post-secondary education or profession "shall offer such examinations or courses in a place and manner accessible to persons with disabilities." (42 U.S.C. § 12189.) Regulations interpreting this section impose an obligation on the entity offering such an examination that "[t]he examination is selected and administered so as to best ensure that, when the examination is administered to an individual with a disability that impairs sensory, manual, or speaking skills, the examination results accurately reflect



1 the individual's aptitude or achievement level or whatever other factor the examination purports to
 2 measure, rather than reflecting the individual's impaired sensory, manual, or speaking skills." (28
 3 C.F.R. § 36.309.)

4 194. By adhering to a blanket policy of annotating scores taken under extended time
 5 conditions, defendant is communicating to law schools that it does not know whether or not the
 6 applicants' exam results accurately reflect aptitude or achievement. Therefore, LSAC is breaching its
 7 duty under the FEHA, Unruh Act, and ADA to ensure that the examination results accurately reflect
 8 the individual's aptitude or achievement level. (28 C.F.R. § 36.309(b)(1)(i).)

9 195. As a direct result of the unlawful practices of defendants as alleged herein, class
 10 members have incurred out of pocket losses, including test registration fees and medical bills, in an
 11 amount to be proven at trial.

12 196. As a further and direct result of the unlawful practices of defendants as alleged herein,
 13 class members have suffered emotional distress, anxiety, lost opportunity, frustration, humiliation,
 14 and loss of dignity and self-esteem, in an amount to be proven at trial.

15 197. Defendants have engaged in, and by their refusal to comply with the law, have
 16 demonstrated that they will continue to engage in, the pattern and practice of unlawful discrimination
 17 described herein unless and until they are enjoined, pursuant to the police power granted by
 18 Government Code sections 12920 and 12920.5, and pursuant to section 12974, from failing or
 19 refusing to comply with the mandates of the FEHA, Unruh Act, and the ADA. Unless and until
 20 defendants are enjoined from failing or refusing to comply with the mandates of these laws, class
 21 members' right to full and equal access to places of public accommodation will continue to be
 22 violated. Plaintiff lacks any plain, speedy, adequate remedy at law to prevent such harm, injury and
 23 loss, which will continue until the court enjoins the complained of unlawful conduct and grants other
 24 affirmative relief as prayed for herein.



THIRD CLASS CAUSE OF ACTION

Coercion, Intimidation, Threats, or Interference with ADA Rights - Flagging
(42 U.S.C. § 12203)

198. The DFEH realleges and incorporates by reference each and every allegation contained in paragraphs 1 through 186, inclusive, as if fully set forth herein.

199. The ADA makes it unlawful to “coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, any right granted or protected by this Act.” (42 U.S.C. § 12203.)

200. LSAC’s policy of annotating tests scores administered under extended time conditions discourages applicants from seeking such an accommodation, and punishes those who receive it, in violation of the FEHA, Unruh Act, and ADA.

201. As a direct result of the unlawful practices of defendants as alleged herein, class members have incurred out of pocket losses, including test registration fees and medical bills, in an amount to be proven at trial.

202. As a further and direct result of the unlawful practices of defendants as alleged herein, class members have suffered emotional distress, anxiety, lost opportunity, frustration, humiliation, and loss of dignity and self-esteem, in an amount to be proven at trial.

203. Defendants have engaged in, and by their refusal to comply with the law, have demonstrated that they will continue to engage in, the pattern and practice of unlawful discrimination described herein unless and until they are enjoined, pursuant to the police power granted by Government Code sections 12920 and 12920.5, and pursuant to section 12974, from failing or refusing to comply with the mandates of the FEHA, Unruh Act, and the ADA. Unless and until defendants are enjoined from failing or refusing to comply with the mandates of these laws, class members’ right to full and equal access to places of public accommodation will continue to be violated. Plaintiff lacks any plain, speedy, adequate remedy at law to prevent such harm, injury and loss, which will continue until the court enjoins the complained of unlawful conduct and grants other affirmative relief as prayed for herein.



FOURTH CAUSE OF ACTION – REAL PARTIES IN INTEREST ONLY**Denial of Reasonable Accommodation**

(42 U.S.C. § 12189 and 28 C.F.R. § 36.309(b)(1)(iv))

204. The DFEH realleges and incorporates by reference each and every allegation contained in paragraphs 1 through 186, inclusive, as if fully set forth herein.

205. The ADA requires that any person offering examinations related to post-secondary education or profession “shall offer such examinations or courses in a place and manner accessible to persons with disabilities.” (42 U.S.C. § 12189.) As part of this duty to make an examination accessible, the regulations require that any documentation requested be “reasonable and limited to the need for the modification, accommodation, or auxiliary aid or service requested.” (28 C.F.R. § 36.309(b)(1)(iv).)

206. LSAC breached its duty to make the LSAT accessible to people with disabilities by requiring excessive amounts of documentation and denying a reasonable accommodation to each real party in interest, in violation of the FEHA, Unruh Act, and ADA.

207. As a direct result of the unlawful practices of defendants as alleged herein, real parties have incurred out of pocket losses, including test registration fees and medical bills, in an amount to be proven at trial.

208. As a further and direct result of the unlawful practices of defendants as alleged herein, real parties have suffered emotional distress, anxiety, lost opportunity, frustration, humiliation, and loss of dignity and self-esteem, in an amount to be proven at trial.

209. Defendants have engaged in, and by their refusal to comply with the law, have demonstrated that they will continue to engage in, the pattern and practice of unlawful discrimination described herein unless and until they are enjoined, pursuant to the police power granted by sections 12920 and 12920.5, and pursuant to section 12974, from failing or refusing to comply with the mandates of the FEHA, Unruh Act, and the ADA. Unless and until defendants are enjoined from failing or refusing to comply with the mandates of these laws, class members’ right to full and equal access to places of public accommodation will continue to be violated. Plaintiff lacks any plain,



1 speedy, adequate remedy at law to prevent such harm, injury and loss, which will continue until the
 2 court enjoins the complained of unlawful conduct and grants other affirmative relief as prayed for
 3 herein.

4 **FIFTH CAUSE OF ACTION – REAL PARTIES IN INTEREST ONLY**

5 **Coercion, Intimidation, Threats, or Interference with ADA Rights**

6 (42 U.S.C. § 12203)

7 210. The DFEH realleges and incorporates by reference each and every allegation
 8 contained in paragraphs 1 through 186, inclusive, as if fully set forth herein.

9 211. The ADA makes it unlawful to “coerce, intimidate, threaten, or interfere with any
 10 individual in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed,
 11 any right granted or protected by this Act.” (42 U.S.C. § 12203.)

12 212. LSAC’s policies and patterns of requiring unreasonable types and excessive amounts
 13 of documentation to support each accommodation request violate the FEHA, Unruh Act, and the
 14 ADA, by unlawfully coercing, intimidating, threatening, or interfering with real parties’ exercise or
 15 enjoyment of their right to reasonable accommodation on the LSAT.

16 213. As a direct result of the unlawful practices of defendants as alleged herein, real parties
 17 have incurred out of pocket losses, including test registration fees and medical bills, in an amount to
 18 be proven at trial.

19 214. As a further and direct result of the unlawful practices of defendants as alleged herein,
 20 real parties have suffered emotional distress, anxiety, lost opportunity, frustration, humiliation, and
 21 loss of dignity and self-esteem, in an amount to be proven at trial.

22 215. Defendants have engaged in, and by their refusal to comply with the law, have
 23 demonstrated that they will continue to engage in, the pattern and practice of unlawful discrimination
 24 described herein unless and until they are enjoined, pursuant to the police power granted by
 25 Government Code sections 12920 and 12920.5, and pursuant to section 12974, from failing or
 26 refusing to comply with the mandates of the FEHA, Unruh Act, and the ADA. Unless and until
 27 defendants are enjoined from failing or refusing to comply with the mandates of these laws, class



1 members' right to full and equal access to places of public accommodation will continue to be
 2 violated. Plaintiff lacks any plain, speedy, adequate remedy at law to prevent such harm, injury and
 3 loss, which will continue until the court enjoins the complained of unlawful conduct and grants other
 4 affirmative relief as prayed for herein.

5 **PRAYER FOR RELIEF**

6 WHEREFORE, the DFEH prays that the court issue a judgment in favor of the DFEH, real
 7 parties in interest, and members of the class, and order defendants to provide the following relief:

8 **AS TO REAL PARTIES IN INTEREST**

9 216. Provide free and accommodated testing at the next available testing date in each real
 10 party's area, with accommodations as initially requested by that real party;

11 217. Provide a letter to each real party explaining that their LSAT scores used for their law
 12 school applications during the relevant period may not have provided accurate measures of their
 13 acquired reading and verbal reasoning skills, because LSAC did not reasonably accommodate their
 14 disabilities.

15 **AS TO ALL MEMBERS OF THE CLASS,**
 16 **INCLUDING THE REAL PARTIES IN INTEREST**

17 218. Cease and desist from consideration of mitigation measures such as medication when
 18 making a determination as to whether an applicant needs an accommodation.

19 219. Cease and desist from specially annotating LSAT scores tests scores administered
 20 under extended time conditions.

21 220. Include all test scores in the percentile ranking process and provide a ranked percentile
 22 to each test taker.

23 221. Immediately undertake a validation study to determine if LSAC scores under
 24 accommodation of extra time for cognitive disabilities are an equal measure of aptitude or
 25 achievement as compared to non-accommodated scores.

26 222. Reduce to a discrete and reasonable amount the documentation required to verify an
 27 applicant's need for an accommodation, especially for so-called cognitive disabilities, consistent with



1 the ADA's requirement that such documentation be "reasonable" and Congress' mandate that "the
2 question of whether an individual's impairment is a disability under the ADA should not demand
3 extensive analysis." (28 C.F.R. § 36.309(b)(1)(iv); 42 U.S.C. § 1201 [Pub. L. No. 110-325, § 2(b)(5)
4 (Sept. 25, 2008) 122 Stat. 3553].)

5 223. Create a more streamlined and user-friendly process for considering reasonable
6 accommodation requests, that includes notice to applicants, within a reasonable period of time,
7 whether or not requested accommodations have been granted, and provides a fair process for timely
8 reconsideration of any denial of requested accommodations.

9 224. Pay actual damages according to proof for each Unruh Act violation up to a maximum
10 of three times the actual damages but in no case less than \$4,000 per violation.

11 225. Provide written proof to the Department of the nature and extent of LSAC's
12 compliance with all requirements of the court's order within 100 days of its effective date; and,

13 226. Provide such other relief as the Court deems to be just and proper.
14

15 Dated: ~~March 15, 2012~~

16 **Deem filed Feb. 6, 2013**
17 **per Court order**
18 **(Doc. 103)**

DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING

Jon M. Ichinaga
Chief Counsel

R. Sybil Villanueva
Associate Chief Counsel

Phoebe P. Liu
Senior Staff Counsel

Mari Mayeda
Senior Staff Counsel

24 By: /s/

25 R. Sybil Villanueva
26 Attorneys for the Department
27



EXHIBIT 1

* * * PUBLIC ACCOMMODATION/RALPH/CIVIL CODE SECTIONS 51.5 & 54 * * *

COMPLAINT OF DISCRIMINATION UNDER THE
PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT
AND HOUSING ACT WHICH INCORPORATES THE UNRUH CIVIL
RIGHTS ACT, THE RALPH CIVIL RIGHTS ACT AND CIVIL CODE SECTIONS 51.5 AND 54

DFEH # 0200910-Q-0003-00

COMPLAINANT'S NAME(S) (Indicate Mr. or Ms., if individual)

ADDRESS

TELEPHONE NUMBER (INCLUDE AREA CODE)

CITY/STATE/ZIP

COUNTY

COUNTY CODE

Alameda

001

NAMED IS THE PERSON, BUSINESS ESTABLISHMENT, PUBLIC ACCOMMODATION OR OTHER ENTITY THAT
DISCRIMINATED AGAINST ME:

NAME(S)

LAW SCHOOL ADMISSIONS COUNCIL

ADDRESS

TELEPHONE NUMBER (INCLUDE AREA CODE)

P.O. Box 8512

(215) 968-1001

CITY/STATE/ZIP

COUNTY

COUNTY CODE

Newtown, PA 18940

Alameda 000

CAUSE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOX(ES))

☐ RACE ☐ SEX ☒ DISABILITY ☐ RELIGION ☐ NATIONAL ORIGIN/ANCESTRY ☐ SEXUAL ORIENTATION
☐ COLOR ☐ AGE ☐ MARITAL STATUS ☐ OTHER (SPECIFY)

DATE MOST RECENT OR CONTINUING DISCRIMINATION

TYPE OF COMPLAINT

TOOK PLACE (month, day, and year) April 21, 2010

B

THE PARTICULARS ARE:

I. On or about April 21, 2010, I was denied my reasonable accommodation request for 50% extra testing time when taking my LSAT exam for the Law School Admissions Council which is located at P.O. Box 8512, Newtown, PA 18940.

II. I believe I was denied my reasonable accommodation request for 50% extra testing time when taking my LSAT exam which is necessary due to my disability (Attention Deficit Disorder) which is a violation Government Code, Section 12948. The Government Code incorporates Section 51 of the Civil Code. My belief is based on the following:

A. Corporate Council, Joan Van Tol, was aware of my disability and the granting of my accommodation request for 50% additional testing time for a prior test date. However, after I requested an accommodation for 50% additional testing time for the June 6, 2010 exam, my request was denied.

Typed and mailed for signature on May 4, 2010.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated

At

City

X May 3, 2010

X Oakland

SIGNATURE

MAY 09 2010

COMPLAINANT'S SIGNATURE/GUARDIAN AD LITEM
DEPT OF FAIR EMPLOYMENT &
HOUSING-OAKLAND HOUSING UNIT

DFEH-300-02 (12/99)

Q:DS:bps

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

DATE FILED:

STATE OF CALIF

EXHIBIT 2

* * * PUBLIC ACCOMMODATION/RALPH/CIVIL CODE SECTIONS 51.5 & 54 * * *

COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT WHICH INCORPORATES THE UNRUH CIVIL RIGHTS ACT, THE RALPH CIVIL RIGHTS ACT AND CIVIL CODE SECTIONS 51.5 AND 54

DFEH # B-200910-G-0012-00-p

COMPLAINANT'S NAME(S) (Indicate Mr. or Ms., if individual)

Jones, Nicholas E. (Mr)

ADDRESS

73213 Catalina Way

TELEPHONE NUMBER (INCLUDE AREA CODE)

(760) 409-9103

CITY/STATE/ZIP

Palm Desert, ca 92260

COUNTY

Riverside

COUNTY CODE

065

NAMED IS THE PERSON, BUSINESS ESTABLISHMENT, PUBLIC ACCOMMODATION OR OTHER ENTITY THAT DISCRIMINATED AGAINST ME:

NAME(S)

Law School Admissions Council, Inc. (LSAC)

ADDRESS

Post Office Box 8512

TELEPHONE NUMBER (INCLUDE AREA CODE)

215-968-1001

CITY/STATE/ZIP

Newton, PA 18940-8512

COUNTY

Out-of-State

COUNTY CODE

000

CAUSE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOX(ES))

☐ RACE☐ SEX☒ DISABILITY☐ RELIGION☐ NATIONAL ORIGIN/ANCESTRY☐ SEXUAL ORIENTATION☐ COLOR☐ AGE☐ MARITAL STATUS☐ OTHER (SPECIFY)

DATE MOST RECENT OR CONTINUING DISCRIMINATION

TOOK PLACE (month, day, and year) December 5, 2009

TYPE OF COMPLAINT

B

THE PARTICULARS ARE:

- I. On or about December 5, 2009 I was denied reasonable accommodation to take the LSAT test for the Law School Admissions Council.
- II. On or about October 27, 2009 and November 9, 2009 I received notification my request for reasonable accommodation had been denied.
- III. I believe I was denied reasonable accommodation because of my disabilities (Amblyopia/Posterior Vitreous Detachment) and because of my membership in a class of people who are disabled. This is a violation of Section 12948 of the Government Code. The Government Code incorporates Section 51 of the Civil Code. My belief is based on the following:
 - A. On or about October 20, 2009 I requested a reasonable accommodation to take the LSAT test scheduled for December 5, 2009.
 - B. On or about October 27, 2009 I received notification the documentation I provided did not reflect an impairment related to taking the LSAT and I remained registered to test as a standard test taker.
 - C. On or about November 3, 2009 I requested reconsideration regarding my accommodation request by providing additional information requested by LSAC to justify my need for reasonable accommodation.

* * * PUBLIC ACCOMMODATION/RALPH/CIVIL CODE SECTION 54 * * *

COMPLAINT OF DISCRIMINATION UNDER THE
PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT
AND HOUSING ACT WHICH INCORPORATES THE UNRUH CIVIL
RIGHTS ACT, THE RALPH CIVIL RIGHTS ACT AND CIVIL CODE SECTIONS 51.5 AND 54

DFEH # U-200910-G-0012-00-P

COMPLAINANT

Jones, Nicholas E. (Mr.)

RESPONDENT

Law School Admissions Council, Inc. (LSAC)

THE PARTICULARS ARE:

D. On or about November 9, 2009 I received notification the additional documentation was reviewed and there was no change in their decision and my request for reasonable accommodation was denied.

IV. I am making this complaint on behalf of myself and all other disabled individuals, who have been, are now, or will in the future be similarly aggrieved.

Pg. 2 of 2

RECEIVED

Typed and mailed for signature on January 11, 2010 JAN 21 2010

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated

1/14/2010

NICHOLAS E. JONES

COMPLAINANT'S SIGNATURE

At

PALM DESERT, CA
City

COMPLAINANT'S SIGNATURE/GUARDIAN AD LITEM

DFEH-300-02 (12/99)

SJ:AL:eo

DATE FILED: JAN 21 2010

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

STATE OF CALIFORNIA

EXHIBIT 3

SUSAN SAYLOR (#154592)
Acting Chief Counsel
ALEXANDRA SELDIN (#239708)
Staff Counsel
DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING
2218 Kausen Drive, Suite 100
Elk Grove, CA 95758
Telephone No.: (619) 645-2575
Facsimile: (619) 645-3170

Attorneys for the Department

BEFORE THE FAIR EMPLOYMENT AND HOUSING COMMISSION
OF THE STATE OF CALIFORNIA

In the Matter of the Complaint of
THE DEPARTMENT OF FAIR
EMPLOYMENT AND HOUSING,

vs.

LAW SCHOOL ADMISSION COUNCIL,
INC.,

Respondent,

HAMID MICHAEL HEJAZI; NICHOLAS E.
JONES; and [REDACTED]

Complainants.

Case Nos. U-200910-G-0012-00-p
U-200910-G-0011-00-p
U-200910-Q0003-00

NOTICE OF CLASS ACTION
COMPLAINT AND DIRECTOR'S
COMPLAINT

(Gov. Code §§ 12960, 12961 and 12965,
subd. (a).)

TO LAW SCHOOL ADMISSION COUNCIL, INC., 662 Penn Street, Box 40, Newton,
Pennsylvania, 18940:

PLEASE TAKE NOTICE that pursuant to Government Code sections 12960 and 12961, the
Director of the DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING (hereinafter "the
Department") has determined that the cases listed below will be treated and proceed as a group or
class complaint for all purposes, and the Director has issued the following Complaint of
Discrimination on behalf of the group or class described below:

1 Case number U-200910-G-0011-00-p, filed by Complainant HAMID MICHAEL HEJAZI
2 against Respondent LAW SCHOOL ADMISSION COUNCIL, INC. on January 19, 2010.

3 Case number U-200910-G-0012-00-p, filed by Complainant NICHOLAS E. JONES against
4 Respondent LAW SCHOOL ADMISSION COUNCIL, INC. on January 21, 2010.

5 Case number U-200910-Q0003-00, filed by Complainant [REDACTED] against
6 Respondent LAW SCHOOL ADMISSION COUNCIL, INC. on May 9, 2010.

7 The Director's determination and issuance is based on the following:

8 1. Complainants HAMID MICHAEL HEJAZI, NICHOLAS E. JONES and [REDACTED]
9 [REDACTED] (hereinafter "Complainants") filed individual verified complaints in writing with the
10 Department on the dates herein indicated alleging that Respondent LAW SCHOOL ADMISSION
11 COUNCIL, INC. (hereinafter "LSAC") engaged in unlawful practices against them which were
12 discriminatory on the basis of disability, in violation of the Fair Employment and Housing Act
13 ("FEHA"), Government Code section 12900, *et. seq.* and the Unruh Civil Rights Act, Civil Code
14 section 51.

15 2. The Department's investigation revealed that LSAC is a proper respondent for all
16 purposes in this matter.

17 3. The group or class of which the Complainants are members is comprised of all
18 disabled individuals in the State of California who have or will request a reasonable
19 accommodation for the Law School Admission Test ("LSAT"), administered by the LSAC, and
20 who have or will be unlawfully denied such request from January 19, 2009 to the conclusion of the
21 Department's investigation of this complaint.

22 4. There are common questions of law and fact involved which affect the parties to be
23 represented and those persons similarly situated in that during the course of the Department's
24 investigation the Complainants provided and the Department obtained information, which, if
25 proven, indicates that LSAC unlawfully denied or denies disabled individuals reasonable
26 accommodations for the LSAT. Respondent disputes some of these allegations. The Department
27 will continue the investigation to determine the merits of these allegations.

1 5. The nature of the group or class is such that proof of a single set of facts will
2 establish the right of each member of the group to recover.

3 6. The Director will fairly and accurately represent the interests of the group or class.

4 7. You may, but need not, respond to this notification in writing by submitting your
5 response to:

6 Alexandra Seldin
7 Special Investigations Unit Administrator
8 Department of Fair Employment and Housing
9 2218 Kausen Drive, Suite 100
10 Elk Grove, CA 95758

11 DATED: July 22, 2010

12 DEPARTMENT OF FAIR EMPLOYMENT
13 AND HOUSING

14 PHYLLIS W. CHENG
15 Director

16 By: Phyllis W. Cheng
17 Phyllis W. Cheng



EXHIBIT 4

* * * PUBLIC ACCOMMODATION/RALPH/CIVIL CODE SECTIONS 51.5 & 54 * * *

COMPLAINT OF DISCRIMINATION UNDER THE
PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT
AND HOUSING ACT WHICH INCORPORATES THE UNRUH CIVIL
RIGHTS ACT, THE RALPH CIVIL RIGHTS ACT AND CIVIL CODE SECTIONS 51.5 AND 54

DFEH # U 201112 H-0007-00-p

COMPLAINANT'S NAME(S) (Indicate Mr. or Ms., if individual)

JOHNSON, ALEX (MR.)

ADDRESS

1447 La Linda Drive

TELEPHONE NUMBER (INCLUDE AREA CODE)

760-736-0119

CITY/STATE/ZIP

San Marcos, CA 92078

COUNTY

San Diego

COUNTY CODE

073

NAMED IS THE PERSON, BUSINESS ESTABLISHMENT, PUBLIC ACCOMMODATION OR OTHER ENTITY THAT
DISCRIMINATED AGAINST ME:

NAME(S)

Law School Admissions Council, Inc. (LASC)

ADDRESS

662 Penn Street

TELEPHONE NUMBER (INCLUDE AREA CODE)

215-968-1001

CITY/STATE/ZIP

Newtown, PA 18940

COUNTY

Out of State

COUNTY CODE

000

CAUSE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOXES)

☐ RACE ☐ SEX ☐ DISABILITY ☐ RELIGION ☐ NATIONAL ORIGIN/ANCESTRY ☐ SEXUAL ORIENTATION
☐ COLOR ☐ AGE ☐ MARITAL STATUS ☐ OTHER: (SPECIFY)

DATE MOST RECENT OR CONTINUING DISCRIMINATION

TOOK PLACE (month, day, and year) September 17, 2010

TYPE OF COMPLAINT

Unruh

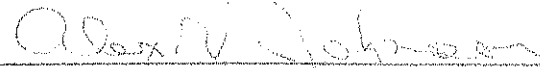
THE PARTICULARS ARE:

- I. On or about 9/17/10 I was denied the reasonable accommodation needed to take the LSAT (Law School Admissions Test).
- II. No reason was given for partial denial of my reasonable accommodation and the granting of inadequate/ineffective accommodations.
- III. I believe I was denied reasonable accommodation, which is necessary due to my disability (Quadriplegia), which is a violation of Government Code, Section 12948. The Government Code incorporates Section 51 of the Civil Code. My belief is based on the following:
- A. On or about 8/5/10 I advised the Accommodated Testing section of my medical need for accommodation in the form of using a computer for all sections of the test, 120 extra minutes on each section of the test, alternate to scantron answer sheet, use of amanuensis (to turn pages), additional rest period and breaks. I also provided supporting medical documentation to confirm the accommodations were medically necessary.
- B. On or about 9/17/10 I was notified that part of my requested accommodation was being denied. The accommodations that were granted were inadequate and ineffective.
- IV. I am making this complaint on behalf of myself and all other disabled individuals who have been, are now, or will in the future be similarly aggrieved.

Typed and mailed for signature on August 23, 2011.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated 8-26-11


 COMPLAINANT'S SIGNATURE
At Lake San Marcos
City

COMPLAINANT'S SIGNATURE (GUARANTY AND ITEM)

DFEH-300-02 (12/99) 8:PND
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

DATE FILED:

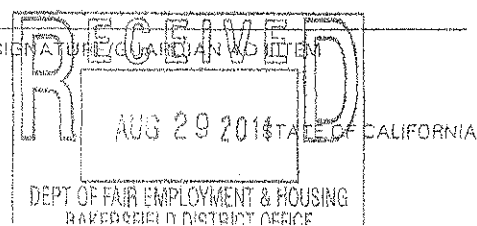


EXHIBIT 5

* * * PUBLIC ACCOMMODATION/RALPH/CIVIL CODE SECTIONS 51.5 & 54 * * *

COMPLAINT OF DISCRIMINATION UNDER THE
PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT
AND HOUSING ACT WHICH INCORPORATES THE UNRUH CIVIL
RIGHTS ACT, THE RALPH CIVIL RIGHTS ACT AND CIVIL CODE SECTIONS 51.5 AND 54

DFEH # U 201112 H-0008-00-p

COMPLAINANT'S NAME(S) (Indicate Mr. or Ms., if individual)

[REDACTED]

ADDRESS TELEPHONE NUMBER (INCLUDE AREA CODE)

[REDACTED]

XXX-XXX-XXXX

CITY/STATE/ZIP COUNTY COUNTY CODE

[REDACTED]

San Diego

073

NAMED IS THE PERSON, BUSINESS ESTABLISHMENT, PUBLIC ACCOMMODATION OR OTHER ENTITY THAT
DISCRIMINATED AGAINST ME:

NAME(S)

Law School Admissions Council, Inc. (LASC)

ADDRESS TELEPHONE NUMBER (INCLUDE AREA CODE)

662 Penn Street

215-968-1001

CITY/STATE/ZIP COUNTY COUNTY CODE

Newtown, PA 18940

Out of State

000

CAUSE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOX(ES))

☐ RACE ☐ SEX ☒ DISABILITY ☐ RELIGION ☐ NATIONAL ORIGIN/ANCESTRY ☐ SEXUAL ORIENTATION
☐ COLOR ☐ AGE ☐ MARITAL STATUS ☐ OTHER (SPECIFY)

DATE MOST RECENT OR CONTINUING DISCRIMINATION

TOOK PLACE (month, day, and year) October 31, 2010

TYPE OF COMPLAINT

Unruh

THE PARTICULARS ARE:

- I. On or about 10/31/2010 I was denied the reasonable accommodation of adequate additional time to take the LSAT (Law School Admissions Test) and adequate break periods.
- II. No reason was given for partial denial of my reasonable accommodation.
- III. I believe I was denied reasonable accommodation in the form of additional test taking time and break periods, which is necessary due to my disabilities (ADD [Attention Deficit Disorder], Lemierre's Syndrome with Brain edema resulting in brain processing speed impairment), which is a violation of Government Code, Section 12948. The Government Code incorporates Section 51 of the Civil Code. My belief is based on the following:
 - A. On or about early 10/2010 I advised the Accommodated Testing section of my medical need for additional test taking time and break periods. I also provided supporting medical documentation.
 - B. On or about 10/31/10 I was notified that my requested accommodation was being denied. I was granted in sufficient additional time to take test sections. I was not granted sufficient break period to administer vital medication.
- IV. I am making this complaint on behalf of myself and all other disabled individuals who have been, are now, or will in the future be similarly aggrieved.

Typed and mailed for signature on August 22, 2011.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief. [REDACTED] those matters I believe it to be true.

Dated 8/26/2011

At Rancho Santa Fe CA
City

COMPLAINANT'S SIGNATURE

COMPLAINANT'S SIGNATURE/GUARDIAN AD LITEM

DATE FILED:

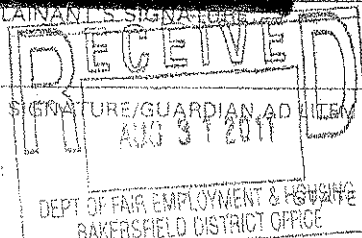
DFEH-300-02 (12/99) B:PND
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

EXHIBIT 6

* * * PUBLIC ACCOMMODATION/RALPH/CIVIL CODE SECTIONS 51.5 & 54 * * *

COMPLAINT OF DISCRIMINATION UNDER THE
PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT
AND HOUSING ACT WHICH INCORPORATES THE UNRUH CIVIL
RIGHTS ACT, THE RALPH CIVIL RIGHTS ACT AND CIVIL CODE SECTIONS 51.5 AND 54

DFEH # U 201112 H-0013-00-p

COMPLAINANT'S NAME(S) (Indicate Mr. or Ms., if individual)

HENNESSEY-SEVERSON, ELIZABETH (MS.)

1-603-667-5459

ADDRESS

1067 Oak Street

TELEPHONE NUMBER (INCLUDE AREA CODE)

XXX-XXX-XXXX

CITY/STATE/ZIP

San Francisco, CA 92101

COUNTY

San Francisco

COUNTY CODE

075

NAMED IS THE PERSON, BUSINESS ESTABLISHMENT, PUBLIC ACCOMMODATION OR OTHER ENTITY THAT
DISCRIMINATED AGAINST ME:

NAME(S)

Law School Admissions Council, Inc. (LSAC)

ADDRESS

662 Penn Street

TELEPHONE NUMBER (INCLUDE AREA CODE)

215-968-1001

CITY/STATE/ZIP

Newtown, PA 18940

COUNTY

Out of State

COUNTY CODE

000

CAUSE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOX(ES))

☐ RACE ☐ SEX ☒ DISABILITY ☐ RELIGION ☐ NATIONAL ORIGIN/ANCESTRY ☐ SEXUAL ORIENTATION
☐ COLOR ☐ AGE ☐ MARITAL STATUS ☐ OTHER (SPECIFY)

DATE MOST RECENT OR CONTINUING DISCRIMINATION

TOOK PLACE (month, day, and year) May 10, 2011

TYPE OF COMPLAINT

Unruh

THE PARTICULARS ARE:

I. From on or about 4/29/11 I was denied the reasonable accommodation of adequate additional time to take the LSAT (Law School Admissions Test).

II. No reason was given for denial of my reasonable accommodation.

III. I believe I was denied reasonable accommodation in the form of additional test taking time, which is necessary due to my disabilities (Anxiety, Processing Disorder, Learning Disorder, Attention Deficit-Hyperactivity Disorder [ADHD]), which is a violation of Government Code, Section 12948. The Government Code incorporates Section 51 of the Civil Code. My belief is based on the following:

A. On or about 4/27/11 I advised the Accommodated Testing section of my medical need for additional test taking time as well additional breaks in between test sections. I also provided supporting medical documentation.

B. On or about 4/29/11 and again 5/10/11 I was notified that my requested accommodation was being denied.

IV. I am making this complaint on behalf of myself and all other disabled individuals who have been, are now, or will in the future be similarly aggrieved.

Typed and mailed for signature on September 14, 2011.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated

9/22/2011

At

San Francisco

City

COMPLAINANT'S SIGNATURE

COMPLAINANT'S SIGNATURE/GUARDIAN AD LITEM

DATE FILED:

SEP 26 2011

STATE OF CALIFORNIA

DFEH-300-02 (12/99)

B:PND

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

EXHIBIT 7

* * * PUBLIC ACCOMMODATION/RALPH/CIVIL CODE SECTIONS 51.5 & 54 * * *

COMPLAINT OF DISCRIMINATION UNDER THE
PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT
AND HOUSING ACT WHICH INCORPORATES THE UNRUH CIVIL
RIGHTS ACT, THE RALPH CIVIL RIGHTS ACT AND CIVIL CODE SECTIONS 51.5 AND 54

DFEH # U 201112 H-0018-00-p

COMPLAINANT'S NAME(S) (Indicate Mr. or Ms., if individual)

LEE, CAROLINE FAVROT (MS.)

ADDRESS

676 Alcatraz Avenue

TELEPHONE NUMBER (INCLUDE AREA CODE)

510-655-1758

CITY/STATE/ZIP

Oakland, CA 94609

COUNTY

Alameda

COUNTY CODE

001

NAMED IS THE PERSON, BUSINESS ESTABLISHMENT, PUBLIC ACCOMMODATION OR OTHER ENTITY THAT
DISCRIMINATED AGAINST ME:

NAME(S)

Law School Admissions Council, Inc. (LSAC)

ADDRESS

662 Penn Street

TELEPHONE NUMBER (INCLUDE AREA CODE)

215-968-1001

CITY/STATE/ZIP

Newtown, PA 18940

COUNTY

Out of State

COUNTY CODE

000

CAUSE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOXES)

☐ RACE ☐ SEX ☒ DISABILITY ☐ RELIGION ☐ NATIONAL ORIGIN/ANCESTRY ☐ SEXUAL ORIENTATION
☐ COLOR ☐ AGE ☐ MARITAL STATUS ☐ OTHER (SPECIFY)

DATE MOST RECENT OR CONTINUING DISCRIMINATION

TOOK PLACE (month, day, and year) April 28, 2011

TYPE OF COMPLAINT

Unruh

THE PARTICULARS ARE:

- I. From on or about 10/2010 I was denied reasonable accommodation to take the LSAT (Law School Admissions Test).
- II. No adequate reason was given for denial of my reasonable accommodation.
- III. I believe I was denied reasonable accommodation, which is necessary due to my disabilities (Learning Disabilities & Processing Disabilities), which is a violation of Government Code, Section 12948. The Government Code incorporates Section 51 of the Civil Code. My belief is based on the following:
 - A. On or about 10/2010 I advised the Accommodated Testing section of my medical need for reasonable accommodation. I also provided supporting medical documentation.
 - B. Most recently on or about 4/28/11 I was notified that my requested accommodation was being denied.
- IV. I am making this complaint on behalf of myself and all other disabled individuals who have been, are now, or will in the future be similarly aggrieved.

Typed and mailed for signature on September 28, 2011.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated

Sept 29 2011

COMPLAINANT'S SIGNATURE

At

Oakland

City

COMPLAINANT'S SIGNATURE GUARDIAN AD LITEM

DATE FILED:

DFEH-300-02 (12/99)

B:PND

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

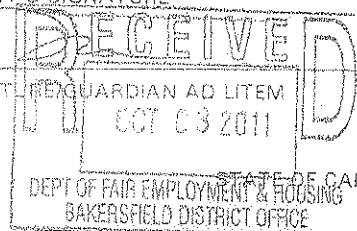
STATE OF CALIFORNIA
DEPT OF FAIR EMPLOYMENT & HOUSING
BAKERSFIELD DISTRICT OFFICE

EXHIBIT 8

10/06/2011 05:19 5186429078

SLAS EDP

PAGE 02/04

* * * PUBLIC ACCOMMODATION/RALPH/CIVIL CODE SECTIONS 51.5 & 54 * * *

COMPLAINT OF DISCRIMINATION UNDER THE
PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT
AND HOUSING ACT WHICH INCORPORATES THE UNRUH CIVIL
RIGHTS ACT, THE RALPH CIVIL RIGHTS ACT AND CIVIL CODE SECTIONS 51.5 AND 54DFEH # U 201112 H-0021-00-p

COMPLAINANT'S NAME(S) (Indicate Mr. or Ms., if individual)

BANKS, RAYMOND (MR.)

ADDRESS

P. O. Box 156681

TELEPHONE NUMBER (INCLUDE AREA CODE)

XXX-XXX-XXXX

CITY/STATE/ZIP

San Francisco, CA 94115

COUNTY

San Francisco

COUNTY CODE

075

NAMED IS THE PERSON, BUSINESS ESTABLISHMENT, PUBLIC ACCOMMODATION OR OTHER ENTITY THAT
DISCRIMINATED AGAINST ME:

NAME(S)

Law School Admissions Council, Inc. (LSAC)

ADDRESS

662 Penn Street

TELEPHONE NUMBER (INCLUDE AREA CODE)

215-968-1001

CITY/STATE/ZIP

Newtown, PA 18940

COUNTY

Out of State

COUNTY CODE

000

CAUSE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOX(ES))

☐ RACE ☐ SEX ☐ DISABILITY ☐ RELIGION ☐ NATIONAL ORIGIN/ANCESTRY ☐ SEXUAL ORIENTATION
☐ COLOR ☐ AGE ☐ MARITAL STATUS ☐ OTHER (SPECIFY)

DATE MOST RECENT OR CONTINUING DISCRIMINATION

TOOK PLACE (month, day, and year) January 31, 2011

TYPE OF COMPLAINT

Unruh

THE PARTICULARS ARE:

- I. On or about January 2011 I was denied the reasonable accommodation of adequate additional time to take the LSAT (Law School Admissions Test).
- II. No reason was given for denial of my reasonable accommodation.
- III. I believe I was denied reasonable accommodation in the form of additional test taking time, which is necessary due to my disabilities (Nerve and Muscle damage in left shoulder/arm), which is a violation of Government Code, Section 12948. The Government Code incorporates Section 51 of the Civil Code. My belief is based on the following:
 - A. On or about January 2011 I advised the Accommodated Testing section of my medical need for additional test taking time. I also provided supporting medical documentation.
 - B. On or about January 2011 I was notified that my requested accommodation was being denied.

IV. I am making this complaint on behalf of myself and all other disabled individuals who have been, are now, or will in the future be similarly aggrieved.

Typed and mailed for signature on August 28, 2011.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated

10/6/11



COMPLAINANT'S SIGNATURE

At

SAN FRANCISCO
City

COMPLAINANT'S SIGNATURE/GUARANTYED TIME

DFEH-300-02 (12/99)

B-PND

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

DATE FILED:

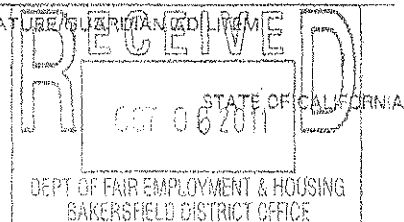


EXHIBIT 9

* * * PUBLIC ACCOMMODATION/RALPH/CIVIL CODE SECTIONS 51.5 & 54 * * *

COMPLAINT OF DISCRIMINATION UNDER THE
PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT
AND HOUSING ACT WHICH INCORPORATES THE UNRUH CIVIL
RIGHTS ACT, THE RALPH CIVIL RIGHTS ACT AND CIVIL CODE SECTIONS 51.5 AND 54

DFEH # U 201112 H-0023-00-p

COMPLAINANT'S NAME(S) (Indicate Mr. or Mrs., if individual)

TALESHPOUR, GAZELLE (MS.)

ADDRESS

6756 Bestwood Court

TELEPHONE NUMBER (INCLUDE AREA CODE)

XXX-XXX-XXXX

CITY/STATE/ZIP

San Diego, CA 92119

COUNTY

San Diego

COUNTY CODE

073

NAMED IS THE PERSON, BUSINESS ESTABLISHMENT, PUBLIC ACCOMMODATION OR OTHER ENTITY THAT
DISCRIMINATED AGAINST ME:

NAME(S)

Law School Admissions Council, Inc. (LSAC)

ADDRESS

662 Penn Street

TELEPHONE NUMBER (INCLUDE AREA CODE)

215-968-1001

CITY/STATE/ZIP

Newtown, PA 18940

COUNTY

Out of State

COUNTY CODE

000

CAUSE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOX(ES))

☐ RACE ☐ SEX ☒ DISABILITY ☐ RELIGION ☐ NATIONAL ORIGIN/ANCESTRY ☐ SEXUAL ORIENTATION
☐ COLOR ☐ AGE ☐ MARITAL STATUS ☐ OTHER (SPECIFY)

DATE MOST RECENT OR CONTINUING DISCRIMINATION

TOOK PLACE (month, day, and year) December 6, 2010

TYPE OF COMPLAINT

Unruh

THE PARTICULARS ARE:

- I. Most recently on or about 12/6/10 I was denied the reasonable accommodation to take the LSAT (Law School Admissions Test).
- II. No adequate reason was given for denial of my reasonable accommodation.
- III. I believe I was denied reasonable accommodation in the form of additional test taking time, which is necessary due to my disabilities (Dyslexia, ADHD, Complications due to bone marrow transplant), which is a violation of Government Code, Section 12948. The Government Code incorporates Section 51 of the Civil Code. My belief is based on the following:
 - A. On or about 2008 and again starting in 7/2010 I advised the Accommodated Testing section of my medical need for reasonable accommodations. I also provided supporting medical documentation.
 - B. Most recently on or about 12/6/10 I was notified that at least part of my requested accommodation was being denied.
- IV. I am making this complaint on behalf of myself and all other disabled individuals who have been, are now, or will in the future be similarly aggrieved.

Typed and mailed for signature on September 30, 2011. Corrected and re-mailed October 7, 2011.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated Oct 7th, 2011

At

City

COMPLAINANT'S SIGNATURE

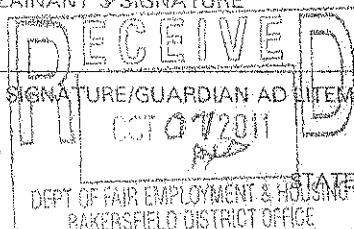
COMPLAINANT'S SIGNATURE/GUARDIAN AD LITEM

DATE FILED:

DFEH-300-02 (12/99)

B:PND

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING



STATE OF CALIFORNIA

EXHIBIT 10

* * * PUBLIC ACCOMMODATION/RALPH/CIVIL CODE SECTIONS 51.5 & 54 * * *

COMPLAINT OF DISCRIMINATION UNDER THE
PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT
AND HOUSING ACT WHICH INCORPORATES THE UNRUH CIVIL
RIGHTS ACT, THE RALPH CIVIL RIGHTS ACT AND CIVIL CODE SECTIONS 51.5 AND 54

DFEH # _____

COMPLAINANT'S NAME(S) (Indicate Mr. or Ms., if individual)

ADDRESS _____

TELEPHONE NUMBER (INCLUDE AREA CODE) _____

XXX-XXX-XXXX

CITY/STATE/ZIP _____

COUNTY _____

COUNTY CODE _____

Out of State

000

NAMED IS THE PERSON, BUSINESS ESTABLISHMENT, PUBLIC ACCOMMODATION OR OTHER ENTITY THAT
DISCRIMINATED AGAINST ME:

NAME(S) _____

Law School Admissions Council, Inc. (LSAC)

ADDRESS _____

TELEPHONE NUMBER (INCLUDE AREA CODE) _____

662 Penn Street

215-968-1001

CITY/STATE/ZIP _____

COUNTY _____

COUNTY CODE _____

Newtown, PA 18940

Out of State

000

CAUSE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOX(ES))

☐ RACE ☐ SEX ☒ DISABILITY ☐ RELIGION ☐ NATIONAL ORIGIN/ANCESTRY ☐ SEXUAL ORIENTATION
☐ COLOR ☐ AGE ☐ MARITAL STATUS ☐ OTHER (SPECIFY) _____

DATE MOST RECENT OR CONTINUING DISCRIMINATION

TYPE OF COMPLAINT

TOOK PLACE (month, day, and year) October 21, 2010

Unruh

THE PARTICULARS ARE:

- I. On or about 10/21/10 I was denied the reasonable accommodation to take the LSAT (Law School Admissions Test).
- II. The reason cited for denying my request for reasonable accommodation was that documentation did not support that my condition limited a major life activity.
- III. I believe I was denied reasonable accommodation, which is necessary due to my disabilities (Attention Deficit—Hyperactivity Disorder [ADHD] and Learning Disabilities), which is a violation of Government Code, Section 12948. The Government Code incorporates Section 51 of the Civil Code. My belief is based on the following:
 - A. On or about 8/2010 I advised the Accommodated Testing section of my medical need for reasonable accommodations. I also provided supporting medical documentation.
 - B. Most recently on or about 10/21/10 I was notified that my requested accommodations were being denied.
- IV. I am making this complaint on behalf of myself and all other disabled individuals who have been, are now, or will in the future be similarly aggrieved.

Typed and mailed for signature on September 27, 2011.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated _____

09/27/2011

At _____

Scottsdale, AZ

City

DFEH-300-02 (12/99)

B:PND

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

COMPLAINANT'S SIGNATURE _____

DATE FILED: 9/29/11

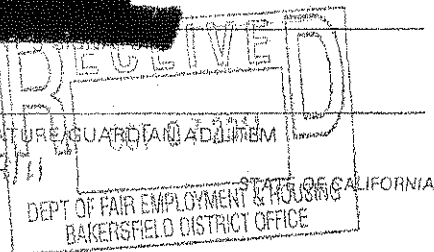


EXHIBIT 11

PUBLIC ACCOMMODATION/RALPH/CIVIL CODE SECTIONS 51.5 & 54

COMPLAINT OF DISCRIMINATION UNDER THE
PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT
AND HOUSING ACT WHICH INCORPORATES THE UNRUH CIVIL
RIGHTS ACT, THE RALPH CIVIL RIGHTS ACT AND CIVIL CODE SECTIONS 51.5 AND 54

U 201112 H-0025-00-p
DFEH # _____

COMPLAINANT'S NAME(S) (Indicate Mr. or Ms., if individual)

SEMOS, STEPHEN (MR.)

ADDRESS

6512 Monero Drive

TELEPHONE NUMBER (INCLUDE AREA CODE)

310-544-2993

CITY/STATE/ZIP

Rancho Palos Verdes, CA 90275

COUNTY

Los Angeles

COUNTY CODE

037

NAMED IS THE PERSON, BUSINESS ESTABLISHMENT, PUBLIC ACCOMMODATION OR OTHER ENTITY THAT
DISCRIMINATED AGAINST ME:

NAME(S)

Law School Admissions Council, Inc. (LSAC)

ADDRESS

662 Penn Street

TELEPHONE NUMBER (INCLUDE AREA CODE)

215-968-1001

CITY/STATE/ZIP

Newtown, PA 18940

COUNTY

Out of State

COUNTY CODE

000

CAUSE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOX(ES))

☐ RACE ☐ SEX ☒ DISABILITY ☐ RELIGION ☐ NATIONAL ORIGIN/ANCESTRY ☐ SEXUAL ORIENTATION
☐ COLOR ☐ AGE ☐ MARITAL STATUS ☐ OTHER (SPECIFY)

DATE MOST RECENT OR CONTINUING DISCRIMINATION

TOOK PLACE (month, day, and year) February 28, 2011

TYPE OF COMPLAINT

Unruh

THE PARTICULARS ARE:

- I. Most recently on or about February 2011 I was denied reasonable accommodation to take the LSAT (Law School Admissions Test).
- II. No adequate reasons were given for denial of my reasonable accommodation.
- III. I believe I was denied reasonable accommodation which is necessary due to my disabilities ((Epilepsy, ADD [Attention Deficit Disorder] and Gertsman Syndrome), which is a violation of Government Code, Section 12948. The Government Code incorporates Section 51 of the Civil Code. My belief is based on the following:
 - A. On or about 2008, 11/2010 and 12/21/10 I advised the Accommodated Testing section of my medical need for accommodation. I also provided supporting medical documentation.
 - B. Most recently on or about February 2011 I was notified that my requested accommodation was being denied.
- IV. I am making this complaint on behalf of myself and all other disabled individuals who have been, are now, or will in the future be similarly aggrieved.

Typed and mailed for signature on September 30, 2011.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated

~~9-5-2011~~ 10-5-2011

Stephen Semos

COMPLAINANT'S SIGNATURE

At

City

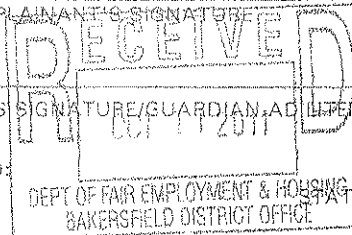
COMPLAINANT'S SIGNATURE/GUARDIAN AD LITEM

DATE FILED

DFEH-300-02 (12/99)

B:PND

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING



STATE OF CALIFORNIA

EXHIBIT 12

* * * PUBLIC ACCOMMODATION/RALPH/CIVIL CODE SECTIONS 51.5 & 54 * * *

COMPLAINT OF DISCRIMINATION UNDER THE
PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT
AND HOUSING ACT WHICH INCORPORATES THE UNRUH CIVIL
RIGHTS ACT, THE RALPH CIVIL RIGHTS ACT AND CIVIL CODE SECTIONS 51.5 AND 54

DPEH # U 201112 H-0027-00-p

COMPLAINANT'S NAME(S) (Indicate Mr. or Ms., if individual)

DECOMO-SCHMITT, RODNEY ALEXANDER

ADDRESS

4579 Paradise Drive

TELEPHONE NUMBER (INCLUDE AREA CODE)

XXX-XXX-XXXX

CITY/STATE/ZIP

Tiburon, CA 94920

COUNTY

Marin

COUNTY CODE

041

NAMED IS THE PERSON, BUSINESS ESTABLISHMENT, PUBLIC ACCOMMODATION OR OTHER ENTITY THAT
DISCRIMINATED AGAINST ME:

NAME(S)

Law School Admissions Council, Inc. (LSAC)

ADDRESS

682 Penn Street

TELEPHONE NUMBER (INCLUDE AREA CODE)

215-968-1001

CITY/STATE/ZIP

Newtown, PA 18940

COUNTY

Out of State

COUNTY CODE

000

CAUSE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOX(ES))

☐ RACE☐ SEX☒ DISABILITY☐ RELIGION☐ NATIONAL ORIGIN/ANCESTRY☐ SEXUAL ORIENTATION☐ COLOR☐ AGE☐ MARITAL STATUS☐ OTHER (SPECIFY)

DATE MOST RECENT OR CONTINUING DISCRIMINATION

TOOK PLACE (month, day, and year) October 25, 2010

TYPE OF COMPLAINT

Unruh

THE PARTICULARS ARE:

- I. Most recently on or about 10/25/10 I was denied reasonable accommodation to take the LSAT (Law School Admissions Test).
- II. LSAC stated that the documentation submitted did not support that my condition limited a major life activity.
- III. I believe I was denied reasonable accommodation in the form of additional test taking time, which is necessary due to my disabilities (Learning Disability—Reading Processing Problem), which is a violation of Government Code, Section 12940. The Government Code incorporates Section 51 of the Civil Code. My belief is based on the following:
 - A. On or about 9/2010 I advised the Accommodated Testing section of my medical need for reasonable accommodation. I also provided supporting medical documentation.
 - B. Most recently on or about 10/25/10 I was notified that my requested accommodation was being denied.
- IV. I am making this complaint on behalf of myself and all other disabled individuals who have been, are now, or will in the future be similarly aggrieved.

Typed and mailed for signature on October 13, 2011.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated

10-13-11

COMPLAINANT'S SIGNATURE

At

Tiburon, California
City

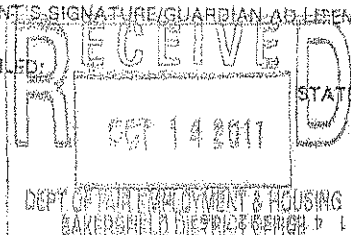
COMPLAINANT'S SIGNATURE/GUARDIAN AD LITEM

DPEH-300-02 (12/98)

B:PND

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

DATE FILED



STATE OF CALIFORNIA

900/200 J 8011#

1102/01/01

EXHIBIT 13

* * * PUBLIC ACCOMMODATION/RALPH/CIVIL CODE SECTIONS 51.5 & 54 * * *

U 201112 H-0028-00-p

COMPLAINT OF DISCRIMINATION UNDER THE
PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT
AND HOUSING ACT WHICH INCORPORATES THE UNRUH CIVIL
RIGHTS ACT, THE RALPH CIVIL RIGHTS ACT AND CIVIL CODE SECTIONS 51.5 AND 54

DFEH # _____

COMPLAINANT'S NAME(S) (Indicate Mr. or Mrs., if individual)

GROSSMAN, ANDREW "ANDY" (MR.)

ADDRESS

14780 Farwell Avenue

TELEPHONE NUMBER (INCLUDE AREA CODE)

408-741-5859

CITY/STATE/ZIP

Saratoga, CA 95070

COUNTY

Santa Clara

COUNTY CODE

085

NAMED IS THE PERSON, BUSINESS ESTABLISHMENT, PUBLIC ACCOMMODATION OR OTHER ENTITY THAT
DISCRIMINATED AGAINST ME:

NAME(S)

Law School Admissions Council, Inc. (LSAC)

ADDRESS

662 Penn Street

TELEPHONE NUMBER (INCLUDE AREA CODE)

215-968-1001

CITY/STATE/ZIP

Newtown, PA 18940

COUNTY

Out of State

COUNTY CODE

000

CAUSE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOX(ES))

☐ RACE ☐ SEX ☐ DISABILITY ☐ RELIGION ☐ NATIONAL ORIGIN/ANCESTRY ☐ SEXUAL ORIENTATION
☐ COLOR ☐ AGE ☐ MARITAL STATUS ☐ OTHER (SPECIFY)

DATE MOST RECENT OR CONTINUING DISCRIMINATION

TOOK PLACE (month, day, and year) November 30, 2010

TYPE OF COMPLAINT

Unruh

THE PARTICULARS ARE:

- I. Most recently on or about 11/2010 I was denied reasonable accommodation to take the LSAT (Law School Admissions Test).
- II. No reason was given for the partial denial of my reasonable accommodation.
- III. I believe I was denied reasonable accommodation which is necessary due to my disabilities (Traumatic Brain Injury and Depression/Anxiety Disorder), which is a violation of Government Code, Section 12948. The Government Code incorporates Section 51 of the Civil Code. My belief is based on the following:
 - A. On or about 7/2010 or 8/2010 I advised the Accommodated Testing section of my medical need for reasonable accommodation. I also provided supporting medical documentation.
 - B. Most recently on or about 11/2010 I was notified that part of my requested accommodation was being denied.
- IV. I am making this complaint on behalf of myself and all other disabled individuals who have been, are now, or will in the future be similarly aggrieved.

Typed and mailed for signature on October 10, 2011.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated

10/13/11

COMPLAINANT'S SIGNATURE

At

Saratoga

City

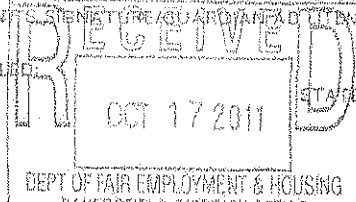
COMPLAINANT'S SIGNATURE (GUARDIAN AD LITEM)

DATE FILED

DFEH-300-02 (12/99)

B:PND

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING



STATE OF CALIFORNIA

EXHIBIT 14

* * * PUBLIC ACCOMMODATION/RALPH/CIVIL CODE SECTIONS 51.5 & 54 * * *

D 201112 H-0029-00-p

DFEH # _____

COMPLAINT OF DISCRIMINATION UNDER THE
PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT
AND HOUSING ACT WHICH INCORPORATES THE UNRUH CIVIL
RIGHTS ACT, THE RALPH CIVIL RIGHTS ACT AND CIVIL CODE SECTIONS 51.5 AND 54

COMPLAINANT'S NAME(S) (Indicate Mr. or Ms., if individual)

COLLINS, KEVIN M. (MR.)

ADDRESS

23140 Victory Blvd.

TELEPHONE NUMBER (INCLUDE AREA CODE)

818-346-4200

CITY/STATE/ZIP

Woodland Hills, CA 91367

COUNTY

Los Angeles

COUNTY CODE

037

NAMED IS THE PERSON, BUSINESS ESTABLISHMENT, PUBLIC ACCOMMODATION OR OTHER ENTITY THAT
DISCRIMINATED AGAINST ME:

NAME(S)

Law School Admissions Council, Inc. (LSAC)

ADDRESS

662 Penn Street

TELEPHONE NUMBER (INCLUDE AREA CODE)

215-968-1001

CITY/STATE/ZIP

Newtown, PA 18940

COUNTY

Out of State

COUNTY CODE

000

CAUSE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOX(ES))

☐ RACE ☐ SEX ☒ DISABILITY ☐ RELIGION ☐ NATIONAL ORIGIN/ANCESTRY ☐ SEXUAL ORIENTATION
☐ COLOR ☐ AGE ☐ MARITAL STATUS ☐ OTHER (SPECIFY)

DATE MOST RECENT OR CONTINUING DISCRIMINATION

TOOK PLACE (month, day, and year) March 14, 2011

TYPE OF COMPLAINT

Unruh

THE PARTICULARS ARE:

- I. On or about 1/18/11 and most recently on 3/14/11 I was denied reasonable accommodation to take the LSAT (Law School Admissions Test).
- II. The denial on 1/18/11 was allegedly due to insufficient documentation. No reason was given for the partial denial of my requested reasonable accommodation on 3/14/11.
- III. I believe I was denied reasonable accommodation which is necessary due to my disabilities (Gifted Learning disability: Reading Disorder and Written Expression Disorder), which is a violation of Government Code, Section 12948. The Government Code incorporates Section 51 of the Civil Code. My belief is based on the following:
 - A. Beginning on or about 12/10/10 I advised the Accommodated Testing section of my medical need for reasonable accommodation. I also provided supporting medical documentation.
 - B. On or about 1/18/11 I was notified that my requested accommodation was not being granted even though I believe that all necessary supporting documentation had been submitted.
 - C. Most recently on 3/14/11 I was notified that part of my requested accommodation was being denied.
- IV. I am making this complaint on behalf of myself and all other disabled individuals who have been, are now, or will in the future be similarly aggrieved.

Typed and mailed for signature on October 18, 2011.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated

10/23/11

At

Los Angeles

City

DFEH-300-02 (12/99)

B:PND

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

DATE FILED:

COMPLAINANT'S SIGNATURE

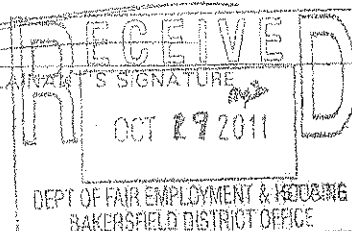


EXHIBIT 15

* * * PUBLIC ACCOMMODATION/RALPH/CIVIL CODE SECTIONS 51.5 & 54 * * *

COMPLAINT OF DISCRIMINATION UNDER THE
PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT
AND HOUSING ACT WHICH INCORPORATES THE UNRUH CIVIL
RIGHTS ACT, THE RALPH CIVIL RIGHTS ACT AND CIVIL CODE SECTIONS 51.5 AND 54

U 201112 H-0031-00-p

DFEH # _____

COMPLAINANT'S NAME(S) (Indicate Mr. or Ms., if individual)

IOAN, OTILIA (MS.)

ADDRESS

5305 Harwood Road

TELEPHONE NUMBER (INCLUDE AREA CODE)

XXX-XXX-XXXX

CITY/STATE/ZIP

San Jose, CA 95124

COUNTY

Santa Clara

COUNTY CODE

085

NAMED IS THE PERSON, BUSINESS ESTABLISHMENT, PUBLIC ACCOMMODATION OR OTHER ENTITY THAT
DISCRIMINATED AGAINST ME:

NAME(S)

Law School Admissions Council, Inc. (LSAC)

ADDRESS

662 Penn Street

TELEPHONE NUMBER (INCLUDE AREA CODE)

215-968-1001

CITY/STATE/ZIP

Newtown, PA 18940

COUNTY

Out of State

COUNTY CODE

000

CAUSE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOX(ES))

☐ RACE ☐ SEX ☒ DISABILITY ☐ RELIGION ☐ NATIONAL ORIGIN/ANCESTRY ☐ SEXUAL ORIENTATION
☐ COLOR ☐ AGE ☐ MARITAL STATUS ☐ OTHER (SPECIFY)

DATE MOST RECENT OR CONTINUING DISCRIMINATION

TOOK PLACE (month, day, and year) November 17, 2010

TYPE OF COMPLAINT

Unruh

THE PARTICULARS ARE:

- I. On or about 11/17/10 I was denied reasonable accommodation to take the LSAT (Law School Admissions Test).
- II. No reason was given for denial of my reasonable accommodation.
- III. I believe I was denied reasonable accommodation which is necessary due to my disability (Spinal Chord Injury--Quadriplegia), which is a violation of Government Code, Section 12948. The Government Code incorporates Section 51 of the Civil Code. My belief is based on the following:
- A. On or about 8/2010 I advised the Accommodated Testing section of my medical need for reasonable accommodation. I also provided supporting medical documentation.
- B. On or about 11/17/10 I was notified that part of my requested accommodation was being denied.
- IV. I am making this complaint on behalf of myself and all other disabled individuals who have been, are now, or will in the future be similarly aggrieved.

Typed and mailed for signature on September 27, 2011.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated

10/20/11

At

San Jose

City

COMPLAINANT'S SIGNATURE

COMPLAINANT'S SIGNATURE/GUARANTEE

DATE FILED:

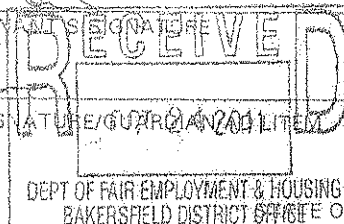
DFEH-300-02 (12/99) B:END
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

EXHIBIT 16

*** PUBLIC ACCOMMODATION/RALPH/CIVIL CODE SECTIONS 51.5 & 54 ***

COMPLAINT OF DISCRIMINATION UNDER THE
PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT
AND HOUSING ACT WHICH INCORPORATES THE UNRUH-CIVIL
RIGHTS ACT, THE RALPH CIVIL RIGHTS ACT AND CIVIL CODE SECTIONS 51.5 AND 54

DFEH # U 201112 H-0032-00-p

COMPLAINANT'S NAME(S) (Indicate Mr. or Ms., if individual)

QUAN, ANDREW (MR.)

ADDRESS

4023 Oak Manor Court

TELEPHONE NUMBER (INCLUDE AREA CODE)

XXX-XXX-XXXX

CITY/STATE/ZIP

Hayward, CA 94542

COUNTY

Alameda

COUNTY CODE

0001

NAMED IS THE PERSON, BUSINESS ESTABLISHMENT, PUBLIC ACCOMMODATION OR OTHER ENTITY THAT
DISCRIMINATED AGAINST ME:

NAME(S)

Law School Admissions Council, Inc. (LSAC)

ADDRESS

662 Penn Street

TELEPHONE NUMBER (INCLUDE AREA CODE)

215-968-1001

CITY/STATE/ZIP

Newtown, PA 18940

COUNTY

Out of State

COUNTY CODE

000

CAUSE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOX(ES))

☐ RACE☐ SEX☒ DISABILITY☐ RELIGION☐ NATIONAL ORIGIN/ANCESTRY☐ SEXUAL ORIENTATION☐ COLOR☐ AGE☐ MARITAL STATUS☐ OTHER (SPECIFY)

DATE MOST RECENT OR CONTINUING DISCRIMINATION

TOOK PLACE (month, day, and year) September 13, 2011

TYPE OF COMPLAINT

Unruh

THE PARTICULARS ARE:

- I. Most recently on or about 9/13/11 I was denied reasonable accommodation to take the LSAT (Law School Admissions Test).
- II. No reason was given for denial of my requested reasonable accommodations.
- III. I believe I was denied reasonable accommodation in the form of additional test taking time, which is necessary due to my disabilities (Hypotonia, Dysgraphia, ADHD, Visual Processing Disorder, and back injury), which is a violation of Government Code, Section 12948. The Government Code incorporates Section 51 of the Civil Code. My belief is based on the following:
 - A. On or about 9/2011 I advised the Accommodated Testing section of my medical need for reasonable accommodations. I also provided supporting medical documentation.
 - B. Most recently on or about 9/13/11 I was notified that my requested accommodations were being denied.
- IV. I am making this complaint on behalf of myself and all other disabled individuals who have been, are now, or will in the future be similarly aggrieved.

Typed and mailed for signature on October 7, 2011.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated

10-26-2011

COMPLAINANT'S SIGNATURE

At

City

COMPLAINANT'S SIGNATURE/GUARDIAN AD LITEM

DFEH 300-02 (12/99)

5-PND

DATE FILED:

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

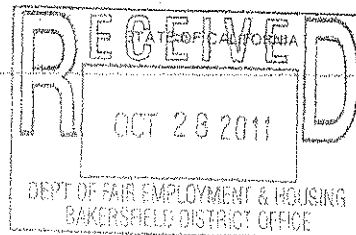


EXHIBIT 17

* * * PUBLIC ACCOMMODATION/RALPH/CIVIL CODE SECTIONS 51.5 & 54 * * *

COMPLAINT OF DISCRIMINATION UNDER THE
PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT
AND HOUSING ACT WHICH INCORPORATES THE UNRUH CIVIL
RIGHTS ACT, THE RALPH CIVIL RIGHTS ACT AND CIVIL CODE SECTIONS 51.5 AND 54

DFEH # U 201112 H-0035-00-p

COMPLAINANT'S NAME(S) (indicate Mr. or Ms., if individual)

WHITNEY, AUSTIN (MR.)

ADDRESS TELEPHONE NUMBER (INCLUDE AREA CODE)

1050 Miller Avenue

XXX-XXX-XXXX

CITY/STATE/ZIP COUNTY COUNTY CODE

Berkeley, CA 94708

Alameda

001

NAMED IS THE PERSON, BUSINESS ESTABLISHMENT, PUBLIC ACCOMMODATION OR OTHER ENTITY THAT
DISCRIMINATED AGAINST ME:

NAME(S)

Law School Admissions Council, Inc. (LSAC)

ADDRESS TELEPHONE NUMBER (INCLUDE AREA CODE)

662 Penn Street

215-968-1001

CITY/STATE/ZIP COUNTY COUNTY CODE

Newtown, PA 18940

Out of State

000

CAUSE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOX(ES))

☐ RACE ☐ SEX ☒ DISABILITY ☐ RELIGION ☐ NATIONAL ORIGIN/ANCESTRY ☐ SEXUAL ORIENTATION
☐ COLOR ☐ AGE ☐ MARITAL STATUS ☐ OTHER (SPECIFY)

DATE MOST RECENT OR CONTINUING DISCRIMINATION

TOOK PLACE (month, day, and year) September 21, 2011

TYPE OF COMPLAINT

Unruh

THE PARTICULARS ARE:

- I. On or about 9/21/11 I was denied reasonable accommodation to take the LSAT (Law School Admissions Test).
- II. No reason was given for denial of my reasonable accommodation.
- III. I believe I was denied reasonable accommodation in which is necessary due to my disabilities (Spinal Chord Injury—paraplegia, chronic/neuropathic pain), which is a violation of Government Code, Section 12948. The Government Code incorporates Section 51 of the Civil Code. My belief is based on the following:
 - A. On or about 8/28/11 I advised the Accommodated Testing section of my medical need for reasonable accommodation. I also provided supporting medical documentation.
 - B. On or about 9/21/11 I was notified that part of my requested accommodation was being denied.
- IV. I am making this complaint on behalf of myself and all other disabled individuals who have been, are now, or will in the future be similarly aggrieved.

Typed and mailed for signature on October 28, 2011.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated

11/5/11

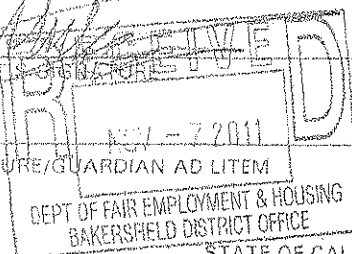
At

Berkeley CA
City

COMPLAINANT'S SIGNATURE

COMPLAINANT'S SIGNATURE/GUARDIAN AD LITEM

DATE FILED:



DFEH-300-02 (12/99)

B:PND

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

STATE OF CALIFORNIA

EXHIBIT 18

* * * PUBLIC ACCOMMODATION/RALPH/CIVIL CODE SECTIONS 51.5 & 54 * * *

COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT WHICH INCORPORATES THE UNRUH CIVIL RIGHTS ACT, THE RALPH CIVIL RIGHTS ACT AND CIVIL CODE SECTIONS 51.5 AND 54

DFEH # U 201112 H-0039-00-p

COMPLAINANT'S NAME(S) (Indicate Mr. or Ms., if individual)

VIELBAUM, KEVIN (MR.)

ADDRESS

812 Foothill Drive

TELEPHONE NUMBER (INCLUDE AREA CODE)

XXX-XXX-XXXX

CITY/STATE/ZIP

San Mateo, CA 94402

COUNTY

San Mateo

COUNTY CODE

081

NAMED IS THE PERSON, BUSINESS ESTABLISHMENT, PUBLIC ACCOMMODATION OR OTHER ENTITY THAT DISCRIMINATED AGAINST ME:

NAME(S)

Law School Admissions Council, Inc. (LSAC)

ADDRESS

662 Penn Street

TELEPHONE NUMBER (INCLUDE AREA CODE)

215-968-1001

CITY/STATE/ZIP

Newtown, PA 18940

COUNTY

Out of State

COUNTY CODE

000

CAUSE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOX(ES))

☐ RACE ☐ SEX ☒ DISABILITY ☐ RELIGION ☐ NATIONAL ORIGIN/ANCESTRY ☐ SEXUAL ORIENTATION
☐ COLOR ☐ AGE ☐ MARITAL STATUS ☐ OTHER (SPECIFY)

DATE MOST RECENT OR CONTINUING DISCRIMINATION

TOOK PLACE (month, day, and year) May 12, 2011

TYPE OF COMPLAINT

Unruh

THE PARTICULARS ARE:

- I. Most recently on or about 5/12/11 I was denied reasonable accommodation to take the LSAT (Law School Admissions Test).
- II. No adequate reason was given for denial of my reasonable accommodation.
- III. I believe I was denied reasonable accommodation which is necessary due to my disabilities (Dyslexia-- Learning Disabilities), which is a violation of Government Code, Section 12948. The Government Code incorporates Section 51 of the Civil Code. My belief is based on the following:
 - A. On or about March 2011 I advised the Accommodated Testing section of my medical need for reasonable accommodation. I also provided supporting medical documentation.
 - B. On or about 4/28/11 my initial request for accommodation was denied in total. Most recently on or about 5/12/11 I was notified that part of my requested accommodation was being denied.

IV. I am making this complaint on behalf of myself and all other disabled individuals who have been, are now, or will in the future be similarly aggrieved.

Typed and mailed for signature on November 4, 2011.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated

11/08/11

COMPLAINANT'S SIGNATURE

At

San Mateo, CA

City

COMPLAINANT'S SIGNATURE/GUARDIAN

NOV 8 2011

DFEH-300-02 (12/99)

B:PND

DATE FILED:

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

STATE OF CALIFORNIA
 BAKERSFIELD DISTRICT

EXHIBIT 19

CASE NAME: DFEH v. Law School Admission Council, Inc.
(Austin Whitney, et al., Complainants)

CASE NOS.: U-201112-H-0021-00-p, U-201112-H-0008-00-p, U-201112-H-0029-00-p,
U-201112-H-0027-00-p, U-200910-Q-0003-00-p, U-201112-H-0018-00-p,
U-201112-H-0028-00-p, U-201112-H-0014-00-p,
U-201112-H-0013-00-p, U-201112-H-0031-00-p, U-201112-H-0007-00-p,
U-200910-G-0012-00-p, U-201112-H-0032-00-p, U-201112-H-0025-00-p,
U-201112-H-0023-00-p, U-201112-H-0033-00-p, and U-201112-H-0035-00-p

RESPONDENT'S NOTICE OF TRANSFER OF PROCEEDINGS TO COURT

I am a Respondent in this matter. I elect to transfer this proceeding to court in lieu of a hearing before the Fair Employment and Housing Commission, pursuant to Government Code section 12965, subdivision (e)(1).

Dated: 2-22-12

Julie Capell
Respondent's/Representative's Signature

Respondent(s) [Please print]

Julie Capell, Attorney for Law School
Representative [Please print] Admission Council, Inc.

Address of Respondent, or if
represented, address of Representative

Fulbright & Jaworski L.P.
555 S. Flower Street, 41st Floor
Street

Los Angeles, CA 90071

City State Zip

(813) 892-9800

Telephone number of Respondent, or if
represented, telephone number of Representative